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## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

#### Subchapter C—Regulations Under the Farm Products Inspection Act

#### PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

##### Correction

In Federal Register Document 49-5072, appearing at page 3433 of the issue for Friday, June 24, the fee of \$1.00 listed in § 55.48 (a) (12) *Bulk cheese* as the fee for "Complete moisture test in duplicate" appears in that amount due to a typographical error. The fee should read \$4.00.

[SEAL]

CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 49-6093; Filed, July 25, 1949; 8:51 a. m.]

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

#### PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

##### SUBPART—1950

The intent of the 1950 Agricultural Conservation Program (hereinafter referred to as the 1950 program) is to obtain the greatest possible conservation with available funds, and to assist farmers in increasing conservation activities on their farms.

Assistance will be given to farmers carrying out conservation practices under the 1950 program in accordance with the provisions contained herein and such modifications thereof as may hereafter be made. The provisions of this program as contained herein are applicable to the Continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

- Sec.  
701.101 Distribution and control of funds.  
701.102 Basis for approval of practices, adaptation of practices and rates of assistance, local and special practices, pooling agreements, and State or Federal aid.  
701.103 Conservation practices and maximum rates of assistance.  
701.104 Division of payments.  
701.105 Increase in small payments.  
701.106 Payments limited to \$2,500.  
701.107 Conservation materials and services.  
701.108 General provisions relating to payment.  
701.109 Application for payment.  
701.110 Appeals.  
701.111 State handbooks, bulletins, instructions, and forms.  
701.112 Definitions.  
701.113 Authority, availability of funds, and applicability.

**AUTHORITY:** §§ 701.101 to 701.113 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Apply or interpret secs. 7-17, inclusive, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 32, 33, 34, 35, 205; 53 Stat. 550; 54 Stat. 727; 55 Stat. 257; 58 Stat. 734; 61 Stat. 493; 62 Stat. 507, 1247; 16 U. S. C. and Sup. 590g-590q; Pub. Law 146, 81st Cong.

§ 701.101 *Distribution and control of funds—(a) State funds.* Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1946 distribution.

(b) *Control of funds—(1) Continental United States.* The State committee will allocate the funds available for conservation practices among the counties within the State. The county committee, in accordance with the method approved by the State committee, will determine the amount of assistance to be made available to each farm, taking into consideration the county allocation and the conservation needs of the county and of the individual farms.

(2) *Insular Area (Alaska, Hawaii, Puerto Rico, and the Virgin Islands).* Farm allowances shall be established in each area for the purpose of limiting assistance to available funds. Farm allowances shall provide for the equitable distribution of funds on the basis of individual farm conservation needs.

(c) *Adjustments.* If, in any State, the total estimated earnings under the pro-

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gram exceed the total funds available for assistance, assistance will be reduced equitably.

§ 701.102 *Basis for approval of practices, adaptation of practices and rates of assistance, local and special practices, pooling agreements, and State or Federal aid—(a) Basis for approval of practices.* Practices to be approved will include only those which maintain or increase soil fertility, control and prevent soil erosion caused by wind or water, encourage conservation and better agricultural use of water, or conserve and increase range and pasture forage. The practices to be approved for any State or area will be those best adapted to achieve sound soil and water conservation and use, which will not be carried out in desired volume on the basis of relative conservation needs unless assistance is given therefor. Except as provided in paragraphs (b), (c), and (d) of this section, the conservation practices for which assistance will be given in any State or area, and the rates of assistance for such practices, will be those recommended by the State committee and approved by the Agricultural Conservation Programs Branch, Production and Marketing Administration (hereinafter referred to as the ACP Branch), within the limitations specified in § 701.103.

(b) *Adaptation of practices and rates of assistance.* In order to encourage the performance of practices which are needed most on all farms or on groups of farms in a county, the county committee, with the approval of the State committee, may designate from the practices approved for the State or area those practices which will be applicable on all farms or designated groups of farms in the county, and may approve rates of assistance lower than the rates of assistance approved for general use in the State or area. For recurring practices, the State committee may authorize the county committee to approve rates of assistance for individual farms lower than the rates of assistance approved for general use in the county or area, on the basis of the experience of the producer in performing the practices. The State committee, upon recommendation of the county committee and concurrence of the ACP Branch, may approve a rate of assistance for one practice in a county higher than the maximum rate specified for such practice in § 701.103: *Provided*, That the increased rate of assistance is needed to introduce a new conservation practice into the county or to bring about a needed increase in the extent to which a practice otherwise would be carried out.

(c) *Local practice.* Where a local conservation problem exists for which an appropriate practice is not included in the practices in § 701.103, the county committee may recommend, and the State committee with the concurrence of the ACP Branch may approve, one such practice for the county.

(d) *Special practice.* To permit further local adaptation of the program to the conservation needs of the county, the county committee may recommend, and the State committee with the concurrence of the ACP Branch may approve, one practice for the county from the



practices included in § 701.103 which is not included in the list of practices approved for the State.

(e) *Pooling agreements.* Producers in any local area may agree in writing, with the approval of the county and State committees, to perform designated amounts of practices which the State committee determines are necessary to conserve or improve the agricultural resources of the community. For purposes of payment, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

(f) *Practices carried out with State or Federal aid.* The extent of any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State. In other cases of State or Federal aid, the total extent of any practice performed shall be reduced for purposes of payment by twice the percentage of the total cost of the practice which the county committee determines was furnished by a State or Federal agency.

§ 701.103 *Conservation practices and maximum rates of assistance.* Paragraphs (a) to (g), of this section contain a general description of the conservation practices of the 1950 program, and the maximum rates of assistance for the practices. Information with respect to the several practices for which assistance will be given when carried out on a particular farm, and the exact specifications and rates of assistance for such practices, may be obtained from the county committee for the county in which the farm is located, or from the State committee (11 F. R. 177A-285). The average cost as specified under the maximum assistance for certain practices in this section may be the average cost for a State, a county, a part of a county, or a farm, as determined by the State committee.

(a) *Practices to protect soil from wind and water erosion—*(1) *Constructing terraces to control the flow of water on sloping land.* Necessary outlets or waterways must be provided.

*Maximum assistance.* 70 percent of the average cost of construction of the terraces.

(2) *Constructing diversion terraces or ditches to collect or divert excess water.*

*Maximum assistance.* 70 percent of the average cost of earth moving, but not in excess of \$0.12 per cubic yard of earth moved.

(3) *Constructing individual terraces around coffee trees and mulch terraces around vanilla plants to control erosion.* (Applicable only in the Insular Area.)

*Maximum assistance.* \$2.00 per 100 terraces.

(4) *Establishing permanent sod waterways to dispose of excess water without causing erosion.* Applicable only to waterways established in 1950, unless the county committee determines that an old waterway needs reshaping and reseeded or resodding.

*Maximum assistance.* (1) \$0.75 per 1,000 square feet for seeding or sodding.

(11) 70 percent of the average cost of moving earth with dirt-moving equipment in shaping and filling, but not in excess of \$0.12 per cubic yard of earth moved.

(5) *Constructing outlets for water channels or building flumes or chutes to dispose of water without gullying.*

*Maximum assistance.* (1) 50 percent of the average cost of material used, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(ii) \$0.50 per square yard of exposed surface of log dams.

(iii) \$0.50 per square yard of exposed surface of wire-bound mulch.

(iv) \$0.15 per square yard of exposed surface of wire dams.

(6) *Constructing erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farm land and to reduce run-off of water.*

*Maximum assistance.* (1) 70 percent of the average cost of moving earth in the construction of the dams, wings, and walls, but not in excess of \$0.12 per cubic yard of earth moved.

(ii) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(iii) 50 percent of the average cost of pipe.

(iv) \$1.50 per cubic yard of rock used, for rock or rock and brush dams.

(v) 80 percent of the cost of constructing stone barriers for diverting and spreading surface run-off. (Applicable only in the Insular Area.)

(vi) \$0.25 per 100 linear feet for planting vegetative barriers to impede the flow of surface run-off. (Applicable only in the Insular Area.)

(7) *Constructing permanent riprap.* Applicable only along stream banks, in gullies, on the face of dams, or in water courses, for controlling erosion. The types of material must be specified in the State handbook.

*Maximum assistance.* (i) \$0.50 per square yard of exposed riprap surface, or

(ii) \$1.50 per cubic yard of riprap material.

(8) *Farming on the contour to protect against washing or blowing of soil, to reduce run-off, and to conserve water—*(i) *Establishing contour strip cropping.* The types of eligible protected and protective crops and uses must be designated. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. No assistance will be given under this subdivision for any acreage for which assistance is given under subdivision (iii) or (iv) of this subparagraph.

*Maximum assistance.* \$4.00 per acre.

(ii) *Removing stone walls and hedgerows to permit terracing and contour farming or cross-slope farming.*

*Maximum assistance.* 50 percent of the average cost of removal, but not in excess of \$5.00 per square rod of surface occupied by the stone wall or hedgerow before removal.

(iii) *Contour farming row crops.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out.

*Maximum assistance.* (a) \$1.50 per acre where all cultural operations are on the contour.

(b) \$1.00 per acre where only the planting and cultivating are on the contour.

(iv) *Contour farming drilled or close-sown crops.*

*Maximum assistance.* (a) \$0.75 per acre where all cultural operations are on the contour.

(b) \$0.50 per acre where only the seeding operation is on the contour.

(v) *Contour listing, contour chiseling, basin listing, pit cultivation, or emergency listing at right angles to prevailing winds, and other approved tillage operations to control wind or water erosion, when not a part of a seeding operation.*

*Maximum assistance.* (a) \$0.60 per acre when used to protect summer-fallow land.

(b) \$0.30 per acre on other cropland.

(vi) *Planting orchards and vineyards on the contour.*

*Maximum assistance.* \$7.50 per acre.

(9) *Cross-slope farming to protect against washing and blowing of soil and to reduce run-off of water in areas where contouring is impracticable—*(1) *Establishing cross-slope strip cropping.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The types of eligible protected and protective crops and uses must be designated. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. No assistance will be given under this subdivision for any acreage for which assistance is given under subdivision (ii) or (iii) of this subparagraph.

*Maximum assistance.* \$3.00 per acre.

(ii) *Cross-slope farming row crops.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out.

*Maximum assistance.* \$1.00 per acre.

(iii) *Cross-slope farming drilled or close-sown crops.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour.

*Maximum assistance.* \$0.35 per acre.

(10) *Field strip cropping to protect soil from wind or water erosion.* The maximum and minimum widths of the strips, and the types of eligible protected and protective crops and uses, must be designated. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

*Maximum assistance.* (1) \$0.50 per acre for systems with strips in excess of 10 rods in width.

(ii) \$0.75 per acre for systems with strips not in excess of 10 rods in width.

(11) *Managing crop residues to protect soil from wind or water erosion—*(i) *Crop residue management.* Performing tillage operations which will partially incorporate a heavy growth of stubble or



straw into the surface soil to prevent erosion. No assistance will be given if the acreage has been burned over or the straw removed.

*Maximum assistance.* (a) \$1.00 per acre when used to protect summer-fallow land. (b) \$0.60 per acre on other cropland.

(ii) *Leaving stalks of sorghum, Sudan grass, millet, or broomcorn as a protection against wind erosion.* The stalks must be left on the land until spring farming operations are begun. No grazing is permitted. The stalks on broadcast or close-drilled crops must be left at least 8 inches high, and at least 10 inches high on wide-drilled or row crops. Applicable only in wind erosion areas approved by the State committee and included in the State handbook.

*Maximum assistance.* \$0.35 per acre.

(12) *Bringing adequate amounts of clod-forming subsoil to the surface on sandy cropland subject to wind erosion to protect soil from blowing.* The heavier subsoil must be brought to the surface. Applicable only in wind erosion areas designated by the State committee and included in the State handbook. No assistance will be given on any acreage for which assistance was given for this practice under any previous program.

*Maximum assistance.* (i) \$1.50 per acre for plowing 12 inches but less than 15 inches deep.

(ii) \$2.00 per acre for plowing 15 inches but less than 18 inches deep.

(iii) \$3.00 per acre for plowing 18 inches or deeper.

(13) *Establishing a cover of adapted biennial and perennial legumes and grasses in orchards and vineyards to protect against erosion.* Volunteer stands and any acreage cut for hay are not eligible. Approved kinds of cover must be designated in the State handbook.

*Maximum assistance.* 70 percent of the average cost of seed.

(14) *Establishing a permanent cover of kudzu, perennial lespedeza, perennial grasses, or a mixture of legumes and perennial grasses, on steep slopes or in waterways or on land so subject to erosion that it should be retired from cultivation.*

*Maximum assistance.* 80 percent of the average cost of seed, sod, crowns, or sprigs.

(15) *Mulching to control wind erosion or in connection with tree planting on blow land.* Only straw, hay, or cotton burs are eligible for assistance. The types of material must be specified in the State handbook and cannot include manure.

*Maximum assistance.* \$1.00 per ton of material used.

(16) *Maintaining a permanent vegetative cover in non-terraced orchards on slopes greater than 2 percent to prevent erosion.* The cover must be mowed and the residue left on the land. (Applicable only in the Insular Area.)

*Maximum assistance.* \$1.00 per acre.

(17) *Planting trees in established coffee groves to control erosion.* (Applicable only in the Insular Area.)

*Maximum assistance.* \$0.05 per tree.

(b) *Practices to develop cropping systems that protect the soil and restore, improve, and maintain soil productivity—*

(1) *Growing adapted green manure or cover crops for soil protection and improvement.* Pasturing consistent with good management is permitted. Volunteer stands are not eligible for assistance.

(i) *Winter annual legumes or annual ryegrass.* The practice must be carried out in keeping with technical specifications approved by the State committee and included in the State handbook, or a good stand and good growth must be obtained.

*Maximum assistance.* 70 percent of the average cost of seed.

(ii) *Summer annual legumes.* A good stand and good growth must be obtained and left on the land or turned under. Vegetable and truck crops for sale, soybeans or mung beans for seed or oil, all peanuts, and seedlings (except crotalaria) interplanted with row crops, are not eligible for assistance.

*Maximum assistance.* 70 percent of the average cost of seed.

(iii) *Adapted non-legumes.* A good stand and good growth must be obtained and left on the land or turned under. Small grains and any acreage harvested for seed or hay are not eligible for assistance.

*Maximum assistance.* 70 percent of the average cost of seed.

(iv) *Small grains.* A good stand and good growth must be obtained and left on the land or turned under. Acreages harvested for hay or grain are not eligible for assistance.

*Maximum assistance.* (a) \$2.50 per acre for rye or wheat.

(b) \$1.50 per acre for oats, millet, barley, or buckwheat.

(v) *Red clover, alsike clover, sweet-clover, or alfalfa used for green manure.* A good stand and good growth must be turned under. Assistance for alfalfa is limited to first- or second-year alfalfa from which no hay, seed, or pasture is taken in 1950. No assistance will be given for turning under as green manure any crop established with program assistance.

*Maximum assistance.* \$1.50 per acre.

(2) *Growing an increased acreage of winter cover consisting of a mixture of at least one winter annual legume and either a grass or a small grain for the combined purpose of protecting the soil against losses from erosion and leaching and to provide winter pasture.* Applicable only when carried out in keeping with specifications covering fertilization, adapted seed mixtures, and management approved by the State committee and included in the State handbook. No assistance will be given if any of the acreage is harvested for hay or grain.

*Maximum assistance.* 70 percent of the average cost of seed.

(3) *Establishing or improving permanent pastures by seeding, sodding, or sprigging adapted legumes and grasses or other adapted forage plants.* Where rates of assistance are determined on an acre basis, the recommended seeding

rates, kinds of seeds, and proportions of seeds in a mixture must be set forth in the State handbook.

*Maximum assistance.* 80 percent of the average cost of seed, sod, or sprigs.

(4) *Increasing the total farm acreage of biennial and perennial legumes and perennial grasses, or mixtures of these legumes and grasses.* Assistance will be given only for the acreage established in excess of the usual acreage of all biennial and perennial legumes and perennial grasses for the farm, as determined by the county committee. The method of determining the usual acreage shall be included in the State handbook. Where rates of assistance are on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seed in a mixture must be set forth in the State handbook. Acreages of these grasses and legumes for which assistance for seeding is given under another 1950 practice may not be considered in determining the increased acreage eligible for assistance under this practice.

*Maximum assistance.* 80 percent of the average cost of seed.

(5) *Applying mineral elements to make possible the establishment and adequate growth of soil-conserving crops—(i) Liming materials.*

*Maximum assistance.* (a) Bulk ground limestone containing at least 80 percent calcium carbonate equivalent:

(1) 60 percent of the average cost on a delivered-to-the-farm basis, or

(2) 50 percent of the average cost on a spread-on-the-land basis.

(b) The rate for other liming materials may not exceed the lower of:

(1) The rate for an equivalent amount of bulk ground limestone containing at least 80 percent calcium carbonate equivalent, or

(2) The larger of 60 percent of the average cost of the equivalent material on a delivered-to-the-farm basis or 50 percent of the average cost of the equivalent material on a spread-on-the-land basis.

(ii) *Superphosphate, rock phosphate, colloidal phosphate, potash, or basic slag.* Application of superphosphate, potash, or basic slag must be made at a time so that the eligible crop will receive the principal benefit of the material. Applicable only in connection with the following crops and uses:

(a) Legumes and grasses, excluding small grains (except as provided in inferior subdivision (b)), vegetable and truck crops for sale, soybeans or mung beans for seed or oil, all peanuts, Sudan grass, and sorghums.

(b) Small grains when seeded with eligible grasses or legumes or when overseeded with eligible grasses or legumes in the same seeding season, and small grains for green manure or cover crops in orchards.

(c) Superphosphate alone when added to manure in stables or on dropping boards and applied to the above crops or to any crop on a farm using a rotation in which at least one-half of the cropland is devoted to conserving crops.

(d) Rock or colloidal phosphate when applied to any cropland which the county committee determines is in or going into a regular rotation that includes legumes (other than vegetable and truck crops



for sale, soybeans or mung beans for seed or oil, and all peanuts) or perennial grasses.

(e) Shade trees in coffee or vanilla groves.

Rates of assistance must be established for each of the following materials if included in the State handbook: Normal superphosphate containing 20 percent or less available phosphoric acid ( $P_2O_5$ ); concentrated superphosphate containing more than 20 percent available phosphoric acid ( $P_2O_5$ ); rock phosphate; colloidal phosphate; potash; and basic slag. Assistance for mixed fertilizers will be determined on the basis of the rates established for normal superphosphate and potash.

**Maximum assistance.** (a) Superphosphate, rock phosphate containing at least 28 percent total phosphoric acid ( $P_2O_5$ ), potash, or basic slag—60 percent (50 percent under inferior subdivision (d)) of the average cost of the straight material at siding, dealer's warehouse, or plant.

(b) For colloidal phosphate or lower-grade rock phosphate, the rate may not exceed the lower of:

(1) The rate for an equivalent amount of rock phosphate containing at least 28 percent total phosphoric acid ( $P_2O_5$ ), or

(2) 60 percent (50 percent under inferior subdivision (d)) of the average cost of the lower-grade material at siding, dealer's warehouse, or plant.

(iii) **Minor elements.** Materials used as insecticides are not eligible for assistance. Assistance for boron will be limited to that used in connection with perennial legumes.

**Maximum assistance.** 60 percent of the average cost at siding, dealer's warehouse, or plant.

(6) **Clearing land for permanent pasture or for biennial or perennial legumes or perennial grasses needed for a better soil conserving cropping system.** Eligible legumes and grasses must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the county committee determines this is essential to establishing the eligible legumes and grasses. No assistance will be given for clearing a stand of merchantable timber or pulpwood.

**Maximum assistance.** 50 percent of the average cost of clearing, but not in excess of \$10.00 per acre cleared.

(7) **Mulching for soil improvement and maintenance purposes—(i) Applying mulching material to orchards and vineyards.**

**Maximum assistance.** 60 percent of the average cost of material delivered to the farm, but not in excess of \$5.00 per ton, air-dry weight.

(ii) **Applying sugarcane refuse from mill or loading station to cane fields harvested or started in fallow during 1950.** Material to be used will include cane leaf trash, soil washings, bagasse, and filter cake. (Applicable only in the Insular Area.)

**Maximum assistance.** 50 percent of the average cost of application.

(iii) **Applying coarsely shredded pineapple plants to pineapple fields.** Material must be laid in a solid blanket at least

3 inches thick. (Applicable only in the Insular Area.)

**Maximum assistance.** \$5.00 per acre.

(iv) **Applying coffee pulp to coffee trees.** (Applicable only in the Insular Area.)

**Maximum assistance.** \$1.00 per ton.

(8) **Controlling perennial weeds as a necessary step in soil or water conservation.** The names of weeds, the conditions under which the practice may be approved, and the measures needed to provide effective control must be designated in the State handbook. No crop may be taken from the land where clean cultivation is used.

**Maximum assistance.** (i) \$7.50 per acre for continuous clean cultivation, except for Johnson grass and quackgrass.

(ii) \$5.00 per acre for continuous clean cultivation for Johnson grass and quackgrass.

(iii) 50 percent of the average cost of State committee approved chemicals.

(c) **Practices to restore and maintain range and permanent pasture—(1) Improving and maintaining a desirable vegetative cover on range land—(i) Grazing land management to maintain or improve range and watershed condition by performing those practices necessary to secure proper distribution of grazing livestock or making changes in management or adjustments in use which the county committee determines are necessary to accomplish moderate utilization of the forage crop.** No assistance will be given if the county committee determines that any area of the ranch is overgrazed.

**Maximum assistance.** The smallest of:

(a) The amount approved by the county committee, or

(b) \$50.00 plus \$0.04 per acre of grazing land, or

(c) \$0.75 per acre of grazing land.

(ii) **Natural reseeding of desirable range forage plants by deferred grazing.** Assistance will not be given on more than 25 percent of the grazing land in the unit nor for any of the deferred area which is cut for hay; except that the State committee, with the approval of the ACP Branch, may waive the percentage limitation for any local area where deferment of a larger percentage is necessary to conserve the range resources. No assistance will be given if the county committee determines that any area of the ranch is overgrazed.

**Maximum assistance.** (a) \$0.12 per acre deferred, except that where the carrying capacity is less than one animal unit for each 30 acres, the rate must be reduced proportionately and set forth in the State handbook. (Applicable only in the Continental United States.)

(b) \$0.04 per acre per month for the acreage deferred. (Applicable only in the Insular Area.)

(iii) **Artificial reseeding.** Seeding, sodding, or sprigging adapted perennial grasses, perennial legumes, and other pasture forage plants for range improvement. Where rates of assistance are determined on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be set forth in the State handbook. No

assistance will be given if the county committee determines that the area seeded is overgrazed.

**Maximum assistance.** 80 percent of the average cost of seed, sod, or sprigs.

(iv) **Establishing for seed production an increased acreage of perennial range and pasture grasses or pasture legumes.** Eligible grasses and legumes must be designated in the State handbook and be restricted to those not usually grown for commercial seed production or which are grown for commercial seed production only on a very limited scale as compared to the need. The State handbook must specify the methods of seeding, cultivation, and protection. Assistance will be given only for seedings on acreage in addition to that devoted to seed production of the grass or legume in 1949.

**Maximum assistance.** 80 percent of the average cost of seed.

(v) **Controlling competitive plants and shrubs on noncropland.** Eligible plants must be designated in the State handbook. No assistance will be given for carrying out this practice on any acreage for which assistance for controlling or eliminating the same competitive plants was given under a previous program. No assistance will be given if the county committee determines that the area is overgrazed. Where the State handbook provides separate rates of assistance for different plants, the \$5.00 per acre maximum will apply to the total assistance for the control or elimination of all plants.

**Maximum assistance.** 50 percent of the average cost, but not in excess of \$5.00 per acre.

(2) **Livestock water development to obtain proper distribution of livestock and prevent overgrazing.** The practice will not be approved if the county committee determines that the area to be served by the development is overgrazed.

(i) **Constructing wells for livestock water.** Adequate storage facilities must be provided. Pumping equipment must be installed, except in connection with artesian wells. Assistance will not be given for wells constructed at or for the use of headquarters.

**Maximum assistance.** (a) \$1.00 per linear foot of well with bore taking casings less than 4 inches in diameter, and all artesian wells.

(b) \$2.00 per linear foot of well with bore taking casings 4 inches but less than 6 inches in diameter.

(c) \$3.00 per linear foot of well with bore taking casings 6 inches or more in diameter.

(ii) **Developing springs and seeps for livestock water.**

**Maximum assistance.** (a) \$0.50 per cubic foot of excavation in rock, and

(b) \$0.30 per cubic foot of excavation in soil or gravel; or

(c) \$0.50 per cubic foot of storage capacity constructed.

(iii) **Constructing dams, pits, and ponds for collecting and storing livestock water, including the enlargement of inadequate structures.** No assistance will be given for cleaning or maintaining an existing structure.

**Maximum assistance.** (a) 70 percent of the average cost of earth moving, but not in excess of \$0.12 per cubic yard of material moved.



(b) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(c) 50 percent of the average cost of fencing materials, pipe, and seeding or sodding the dam and filter strips.

(iv) *Installing pipe lines for livestock water.*

*Maximum assistance.* 50 percent of the average cost of pipe, except that the assistance for pipe in excess of 2 inches in diameter may not exceed the assistance which may be given for 2-inch pipe.

(v) *Constructing new large water storage at wells and springs for livestock water.*

*Maximum assistance.* 50 percent of the average cost of material used, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(vi) *Lining earthen reservoirs for livestock water.*

*Maximum assistance.* 50 percent of the average cost of approved material used, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(vii) *Constructing permanent artificial watersheds and storage tanks for accumulating water for livestock or for irrigation.* (Applicable only in the Insular Area.)

*Maximum assistance.* 50 percent of the average cost of material, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(3) *Constructing stock trails through rock or similar natural barriers to obtain better distribution of grazing.* No assistance will be given if the county committee determines that the grazing area thus made available is overgrazed.

*Maximum assistance.* 50 percent of the average cost of construction.

(4) *Constructing or maintaining fireguards to protect grazing land.* The fireguards must have a minimum width of 10 feet.

*Maximum assistance.* \$1.20 per 1,000 linear feet.

(5) *Constructing permanent fences to obtain better distribution of grazing, thereby preventing overgrazing.* No assistance will be given for maintaining existing fences.

*Maximum assistance.* 50 percent of the average cost of fencing material used.

(6) *Managing pastures, other than range, to obtain better cover.* The methods of management must be included in the State handbook.

*Maximum assistance.* (i) \$1.00 per acre for seeded supplemental pasture.

(ii) \$0.50 per acre for mountain meadow or hay land used for supplemental pasture.

(7) *Controlling weeds in permanent pasture by mowing, or by the use of chemicals, to aid and maintain desirable pasture plants.* Limited to farms on which this practice is carried out in combination with such seeding, liming, and fertilizing measures as are required for the development or maintenance of a good pasture cover on the acreage mowed

or treated. Mowings may not be used for hay nor sold for any purpose.

*Maximum assistance.* (i) \$0.50 per acre mowed per year.

(ii) 50 percent of the average cost of State committee approved chemicals.

(d) *Practices to conserve and obtain efficient use of agricultural water—(1) Subsoiling to permit better penetration of water—(i) Subsoiling to a depth which will effectively shatter the hardpan or plow sole.*

*Maximum assistance.* (a) \$2.25 per acre for intervals up to 4 feet.

(b) \$1.50 per acre for intervals over 4 feet but not over 7 feet.

(ii) *Rotary subsoiling.*

*Maximum assistance.* \$0.25 per acre.

(2) *Furrowing, chiseling, ripping, scarifying, or listing noncrop grazing land to retard run-off and improve water penetration.* The operations must be as nearly as practicable on the contour.

*Maximum assistance.* \$0.25 per 1,000 linear feet.

(3) *Constructing spreader ditches or dikes to collect or spread water.*

*Maximum assistance.* 70 percent of the average cost of earth moving, but not in excess of \$0.12 per cubic yard of earth moved.

(4) *Reorganizing farm irrigation systems to conserve water and prevent erosion.* The reorganization must be carried out in accordance with a written plan approved by the county committee.

*Maximum assistance.* (i) 70 percent of the average cost of earth moving, but not in excess of \$0.12 per cubic yard of material moved in the construction or enlargement of permanent ditches, dikes, or laterals. No assistance will be given for cleaning a ditch.

(ii) 50 percent of the average cost of approved material used in lining ditches or reservoirs, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(iii) 50 percent of the average cost of material used in constructing or installing siphons, flumes, drop boxes or chutes, weirs, diversion gates, and pipe, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry. No assistance will be given for repairs or replacements of existing structures.

(iv) 50 percent of the average cost of pipe used in the installation of main lines and standpipes for overhead irrigation. No assistance will be given for repairs or replacements of existing structures, or for the installation of laterals.

(5) *Leveling land for more efficient use of irrigation water or to prevent erosion.* No assistance will be given for floating or for carrying out this practice on any land for which assistance for leveling was given under a previous program. Not applicable in connection with any land for which water is not available.

*Maximum assistance.* 50 percent of the average cost of earth moving, but not in excess of the maximum amount per acre specified in the State handbook.

(6) *Constructing or enlarging dams for irrigation water.* No assistance will be given for material moved in cleaning or maintaining a reservoir. No assistance will be given for repairs or maintenance of existing structures.

*Maximum assistance.* (i) 70 percent of the average cost of earth moving, but not in excess of \$0.12 per cubic yard of material moved.

(ii) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of \$10.00 per cubic yard of concrete or \$6.00 per cubic yard of rubble masonry.

(iii) 50 percent of the average cost of pipe and outlet gates.

(e) *Drainage practices to permit land use adjustments needed in establishing soil conserving cropping systems, or to permit other measures required to conserve soil and water resources—(1) Installing or improving drainage systems—(i) Open farm drainage ditches.* No assistance will be given for cleaning or maintaining a ditch.

*Maximum assistance.* 70 percent of the average cost of earth moving, but not in excess of \$0.12 per cubic yard of material moved.

(ii) *Tile, fiber pipe, or lumber box drains.* No assistance will be given for repairing or maintaining existing drains.

*Maximum assistance.* 50 percent of the average cost of material delivered to the farm, except that the rate for tile or fiber pipe may not exceed that for the 8-inch size, and that the rate for lumber box drains may not exceed that for such drains with a cross section of 50 square inches.

(f) *Practices to establish, restore, and maintain farm woodlands—(1) Planting forest trees and shrubs on farm land for forestry purposes, windbreaks, and for erosion control.* Plantings must be protected from fire and grazing.

*Maximum assistance.* (i) \$1.00 per 100 trees or shrubs, or

(ii) \$7.50 per acre, or

(iii) 50 percent of the cost of trees or shrubs.

(2) *Improving a stand of forest trees.* Technical assistance must be utilized. The minimum stand of desirable species which must be present in order for the acreage to be eligible must be shown in the State handbook.

*Maximum assistance.* \$5.00 per acre.

(3) *Maintaining a stand of trees and shrubs in windbreaks.* Applicable only in connection with windbreaks planted between January 1, 1945, and January 1, 1950. Replanting is required if necessary to bring the stand up to normal. Windbreaks must be protected from fire and grazing.

*Maximum assistance.* \$3.00 per acre.

(4) *Constructing firebreaks or fire lanes.*

*Maximum assistance.* (i) \$0.50 per 1,000 linear feet for each foot of width for widths not in excess of 15 feet, and

(ii) \$0.40 per 1,000 linear feet for each foot of width in excess of 15 feet, up to 25 feet.

(5) *Constructing permanent fences to protect farm woodlots from grazing.* Only woodlots of hardwoods are eligible for assistance. No assistance will be given for maintaining an existing structure.

*Maximum assistance.* 50 percent of the average cost of fencing material used.

(g) *Practices to meet local or special conservation needs—(1) Local conservation practice.* The county committee



may select, with the prior approval of the State committee and the concurrence of the ACP Branch, one practice of a local nature not included in this section, which has a definite soil or water conservation value or which will maintain or increase soil fertility or conserve and increase range and pasture forage, and for which assistance is needed to meet a special conservation problem in the county. The practice selected under this authority must be approved for technical soundness by members of the technical committee most familiar with the problem, and must be carried out under specifications approved by the State committee. The State committee may determine the amount of funds which may be expended on this practice in any county.

**Maximum assistance.** That percentage of the cost specified as the maximum for a practice of a similar type included in this section.

(2) **Special conservation practice.** With the approval of the State committee and the concurrence of the ACP Branch, the county committee may select for use in the county one practice included in this section for which there is a need locally, but which is not selected for use in the State.

**Maximum assistance.** The maximum assistance for the practice set forth in this section.

(h) **Prior approval.** Prior approval of the county committee is required for the practices contained in paragraphs (a) (1), (2), (4), (5), (6), (7), (8) (ii); (b) (6), (8); (c) (1) (i), (ii), (v), (2) (i), (ii), (iii), (iv), (v), (vi), (vii), (3), (4), (5), (6); (d) (3), (4), (5), (6); (e) (1) (i), (ii); and (f) (2), (3), (4), (5), of this section. Prior approval, where required, must be given before the practice is performed, and shall include a determination that the practice is needed on the farm and, where applicable, location, types of materials, species, types and kinds of seeds, planting or seeding dates, designated types or methods of construction, and other similar information which will insure proper performance of the practice.

§ 701.104 **Division of payments—(a) Conservation practice payments.** The payment earned in carrying out practices with conservation materials or services shall be credited to the producer to whom the materials or services are furnished. Payment for practices performed with conservation materials and services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is

established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) **Death, incompetency, or disappearance of producer.** In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (5 F. R. 2875; 6 F. R. 1647, 4430; 9 F. R. 12237).

§ 701.105 **Increase in small payments.** The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to \$0.71 or less shall be increased to \$1.00.

(b) Any payment amounting to more than \$0.71, but less than \$1.00, shall be increased by 40 percent.

(c) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

| Amount of payment computed: | Increase in payment |
|-----------------------------|---------------------|
| \$1.00 to \$1.99            | \$0.40              |
| \$2.00 to \$2.99            | .80                 |
| \$3.00 to \$3.99            | 1.20                |
| \$4.00 to \$4.99            | 1.60                |
| \$5.00 to \$5.99            | 2.00                |
| \$6.00 to \$6.99            | 2.40                |
| \$7.00 to \$7.99            | 2.80                |
| \$8.00 to \$8.99            | 3.20                |
| \$9.00 to \$9.99            | 3.60                |
| \$10.00 to \$10.99          | 4.00                |
| \$11.00 to \$11.99          | 4.40                |
| \$12.00 to \$12.99          | 4.80                |
| \$13.00 to \$13.99          | 5.20                |
| \$14.00 to \$14.99          | 5.60                |
| \$15.00 to \$15.99          | 6.00                |
| \$16.00 to \$16.99          | 6.40                |
| \$17.00 to \$17.99          | 6.80                |
| \$18.00 to \$18.99          | 7.20                |
| \$19.00 to \$19.99          | 7.60                |
| \$20.00 to \$20.99          | 8.00                |
| \$21.00 to \$21.99          | 8.20                |
| \$22.00 to \$22.99          | 8.40                |
| \$23.00 to \$23.99          | 8.60                |
| \$24.00 to \$24.99          | 8.80                |
| \$25.00 to \$25.99          | 9.00                |
| \$26.00 to \$26.99          | 9.20                |
| \$27.00 to \$27.99          | 9.40                |
| \$28.00 to \$28.99          | 9.60                |
| \$29.00 to \$29.99          | 9.80                |
| \$30.00 to \$30.99          | 10.00               |
| \$31.00 to \$31.99          | 10.20               |
| \$32.00 to \$32.99          | 10.40               |
| \$33.00 to \$33.99          | 10.60               |
| \$34.00 to \$34.99          | 10.80               |
| \$35.00 to \$35.99          | 11.00               |
| \$36.00 to \$36.99          | 11.20               |
| \$37.00 to \$37.99          | 11.40               |
| \$38.00 to \$38.99          | 11.60               |
| \$39.00 to \$39.99          | 11.80               |
| \$40.00 to \$40.99          | 12.00               |
| \$41.00 to \$41.99          | 12.10               |
| \$42.00 to \$42.99          | 12.20               |
| \$43.00 to \$43.99          | 12.30               |
| \$44.00 to \$44.99          | 12.40               |
| \$45.00 to \$45.99          | 12.50               |
| \$46.00 to \$46.99          | 12.60               |
| \$47.00 to \$47.99          | 12.70               |
| \$48.00 to \$48.99          | 12.80               |
| \$49.00 to \$49.99          | 12.90               |
| \$50.00 to \$50.99          | 13.00               |
| \$51.00 to \$51.99          | 13.10               |
| \$52.00 to \$52.99          | 13.20               |
| \$53.00 to \$53.99          | 13.30               |
| \$54.00 to \$54.99          | 13.40               |
| \$55.00 to \$55.99          | 13.50               |
| \$56.00 to \$56.99          | 13.60               |
| \$57.00 to \$57.99          | 13.70               |
| \$58.00 to \$58.99          | 13.80               |

| Amount of payment computed—Continued | Increase in payment |
|--------------------------------------|---------------------|
| \$59.00 to \$59.99                   | \$13.90             |
| \$60.00 to \$185.99                  | 14.00               |
| \$186.00 to \$199.99                 | (1)                 |
| \$200.00 and over                    | (2)                 |

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

§ 701.106 **Payments limited to \$2,500.** The total of all payments made in connection with the 1950 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of \$2,500.

All or any part of any payment which has been or otherwise would be made to any person under the 1950 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

§ 701.107 **Conservation materials and services—(a) Availability.** Liming materials, phosphates, seeds, and other farming materials or services may be furnished by the ACP Branch to producers for carrying out approved practices. Materials or services may not be furnished to producers who are on the Register of Indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights for set-off in order to permit the furnishing of materials and services.

Title to any material distributed by the ACP Branch, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or planted, or all charges for the materials are satisfied.

(b) **Cost to producer in cash.** The producer shall pay that part of the cost of the material or service, as established by the ACP Branch, which is in excess of the credit for the use of the material or service in carrying out approved practices. The small payment increase on an amount equivalent to the credit value of properly used conservation materials and services may be advanced as a credit against that part of the cost required to be paid by the producer.

(c) **Deduction.** A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom materials or services are furnished. The deduction shall be the sum of the credit value of the conservation materials and services furnished and any amount of small payment increase advanced to the producer, except that (1) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost; (2) where the increase in small payment was advanced to the producer under a previous program and the material or service was transferred to the 1950 program, the amount of the increase in small payment to be deducted shall be determined on the 1950 credit value; and (3) where the material or service was transferred to the 1950 program from a previous program and the practice for which furnished is not offered in the county under the 1950 program, the producer may be



relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of small payment increase advanced to the producer, for the material or service misused shall be made.

Materials or services will be considered as misused, for the purpose of this section, in the following instances:

(1) Where the county committee determines that any conservation material has been applied to crops which are not designated as eligible crops by the county and State committees, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the county committee determines that a structure, such as a terrace or dam, has been willfully or negligently destroyed by a producer in the program year in which the structure was completed.

(3) Where the county committee determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(4) Where the county committee determines that, with respect to seed furnished in connection with a green manure or cover crop, the crop is harvested for grain or hay, or is too heavily grazed, and such uses are prohibited by the practice specifications.

(5) Where the county committee determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(6) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the ACP Branch, be transferred to another producer or otherwise disposed of by the ACP Branch at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

**§ 701.108 General provisions relating to payment—(a) Breaking out permanent vegetative cover.** In any area designated by the ACP Branch as an area subject to serious wind erosion, a deduction of \$3.00 shall be made for each acre of native sod or any other permanent vege-

tative cover broken out during the 1950 program year without the approval of the county committee, if the county committee finds, in accordance with standards approved by the State committee, that the land broken out is not suited to the continuing production of cultivated crops and will become a wind erosion hazard to the community. The deduction shall be made from the payment of the person responsible for breaking out the land after the payment has been increased in accordance with the provisions of § 701.105.

(b) *Failure to maintain practices under previous programs.* If the county committee determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1950 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1950 practice rate or, if the practice is not offered in 1950, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 701.105.

(c) *Practices defeating purposes of programs.* If the State committee finds that any producer has adopted or participated in any practice which tends to defeat the purpose of the 1950 or previous programs, it may withhold, or require to be refunded, all or any part of any payment which has been or would be computed for such person.

(d) *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1950 program.

(e) *Failure to carry out approved erosion control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1950 program year to other land in the community.

(f) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in paragraph (g) of this section, and except for indebtedness to the United States subject to set-off under

orders issued by the Secretary (12 F. R. 1187)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(g) *Assignments.* Any person who may be entitled to any payment in connection with the 1950 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1950. No assignment will be recognized, unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70.

#### **§ 701.109 Application for payment—**

(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm, except where his only payment is earned with conservation materials or services furnished by the ACP Branch and the entire small payment increase, if any, earned by the use of the materials or services has been advanced to the producer.

(b) *Time and manner of filing applications and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Where conservation materials or services are furnished by the ACP Branch, there need be reported on the application for payment with respect to such materials and services only the total credit and deduction value of the materials and services furnished. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1951. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee (local Agricultural Extension Agent in the Insular Area) and making copies available to the press.

**§ 701.110 Appeals—(a) Continental United States.** Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of



its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State committee.

Written notice of any decision rendered under this paragraph by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

(b) *Insular Area.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State committee shall notify him of its decision in writing within 15 days after receipt of a written request for reconsideration. If the producer is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State committee.

Written notice of any decision rendered under this paragraph by the State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

§ 701.111 *State handbooks, bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1950 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1950 program as it applies to specific States, counties, areas, and farms will be available in the office of the State committee (11 F. R. 177A-285) and the office of the county committee. Producers wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

§ 701.112 *Definitions.* For the purposes of the 1950 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(c) "Insular Area" means Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(d) "State" means any one of the Continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands.

(e) "State committee" means, in the Continental United States, the group of persons designated within any State to assist in the administration of the agricultural conservation program in that State; and, in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, the person or persons in charge of the principal office (State office) for each such area.

(f) "Technical committee" means the group of agricultural technicians selected by the State committee to advise the

State committee in the selection and development of conservation practices for the agricultural conservation program.

(g) "County" means parish or county, respectively, in the Continental United States, and means State, as defined above, insofar as Alaska, Hawaii, Puerto Rico, and the Virgin Islands are concerned.

(h) "County committee" means, in the Continental United States, the group of persons elected within any county to assist in the administration of the agricultural conservation program in that county; and, in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, the person or persons in charge of the principal office (State office) for each such area.

(i) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(k) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(l) "Cropland" means farm land which in 1949 was tilled or was in regular crop rotation, excluding any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community, and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable noncrop open pasture.

(m) "Program year" means the period, designated in the State handbook, during which conservation practices must be carried out to be eligible for assistance. The program year may begin on or after September 1, 1949, and end not later than December 31, 1950.

§ 701.113 *Authority, availability of funds, and applicability.*—(a) *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under secs. 7-17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g-590q).

(b) *Availability of funds.* The provisions of the 1950 program are necessarily subject to such legislation as the

Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

The funds provided for the 1950 program will not be available for the payment of applications filed in the county office after December 31, 1951.

(c) *Applicability.* The provisions of the 1950 program contained herein are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) non-private persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farms in counties or areas for which a special agricultural conservation program under the Soil Conservation and Domestic Allotment Act, as amended, is approved for 1950 by the Secretary.

The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as Federal land banks and production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the departments comprising the National Military Establishment, or by any other Government agency designated by the ACP Branch; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

Done at Washington, D. C., this 21st day of July 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 49-6095; Filed, July 25, 1949; 8:51 a. m.]



## PART 728—WHEAT

## STATE ACREAGE ALLOTMENTS FOR THE 1950 CROP OF WHEAT

§ 728.3 *Basis and purpose.* The purpose of this proclamation is to apportion among the several States the national acreage allotment for the 1950 crop of wheat proclaimed on July 14, 1949, and published in the FEDERAL REGISTER (14 F. R. 3978), in accordance with the provisions of section 334 (a) of the Agricultural Adjustment Act of 1938, as amended. Section 334 (a) of the act provides that the 1950 national acreage allotment for wheat shall be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1939 to 1948 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period. Public Law 12, 79th Congress, 59 Stat. 9, provides that in establishing acreage allotments under the act for farms for which 1942 wheat acreage allotments were determined, provision may be made so as to consider as wheat the acreages of war crops, designated by the Secretary of Agriculture, which were produced in lieu of wheat during the years 1945, 1946 and 1947.

In accordance with section 301 (c) of the Agricultural Adjustment Act of 1938, as amended, the findings and determination made by the Secretary in § 728.4 have been made on the basis of the latest available statistics of the Federal Government.

Prior to the apportionment of the national acreage allotment for the 1950 crop of wheat among the several States, public notice of the proposed action was given (14 F. R. 2203) in accordance with the Administrative Procedure Act (60 Stat. 237). The views and recommendations received from wheat growers and other interested persons have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended.

§ 728.4 *Apportionment of the national acreage allotment for the 1950 crop of wheat among the several States.* The national acreage allotment proclaimed in § 728.2 is hereby apportioned among the several States as follows:

| State:        | Acres      |
|---------------|------------|
| Alabama       | 15,769     |
| Arizona       | 29,459     |
| Arkansas      | 45,518     |
| California    | 741,563    |
| Colorado      | 2,272,535  |
| Connecticut   | ---        |
| Delaware      | 71,122     |
| Florida       | ---        |
| Georgia       | 204,755    |
| Idaho         | 1,203,947  |
| Illinois      | 1,608,743  |
| Indiana       | 1,548,969  |
| Iowa          | 280,023    |
| Kansas        | 13,492,502 |
| Kentucky      | 406,177    |
| Louisiana     | 140        |
| Maine         | 2,479      |
| Maryland      | 383,257    |
| Massachusetts | ---        |
| Michigan      | 995,426    |
| Minnesota     | 1,345,109  |
| Mississippi   | 17,532     |

| State—Continued | Acres      |
|-----------------|------------|
| Missouri        | 1,558,826  |
| Montana         | 4,265,806  |
| Nebraska        | 3,899,835  |
| Nevada          | 19,036     |
| New Hampshire   | ---        |
| New Jersey      | 84,646     |
| New Mexico      | 520,302    |
| New York        | 322,056    |
| North Carolina  | 442,407    |
| North Dakota    | 9,495,166  |
| Ohio            | 2,001,444  |
| Oklahoma        | 6,015,842  |
| Oregon          | 944,891    |
| Pennsylvania    | 893,358    |
| Rhode Island    | ---        |
| South Carolina  | 218,010    |
| South Dakota    | 3,523,342  |
| Tennessee       | 348,592    |
| Texas           | 5,909,134  |
| Utah            | 318,470    |
| Vermont         | ---        |
| Virginia        | 502,092    |
| Washington      | 2,496,069  |
| West Virginia   | 102,921    |
| Wisconsin       | 100,295    |
| Wyoming         | 296,535    |
| Total           | 68,944,099 |

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Apply or interpret sec. 334, 52 Stat. 53, 59 Stat. 9; 7 U. S. C. 1334)

Issued at Washington, D. C., this 20th day of July 1949.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 49-6067; Filed, July 25, 1949; 8:45 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

### PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

#### DETERMINATION RELATIVE TO BUDGET AND FIXING OF RATE OF ASSESSMENT FOR 1949-50 FISCAL YEAR

On July 2, 1949, notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 3683) regarding the budget of expenses and the fixing of the rate of assessment for the 1949-50 fiscal year under Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache in the State of Colorado. This regulatory program is effective pursuant to the Agriculture Marketing Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 910.203 *Budget of expenses and rate of assessment for the 1949-50 fiscal year.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee during the

fiscal year beginning June 1, 1949, and ending May 31, 1950, both dates inclusive, will amount to \$2,500.00, and the rate of assessment to be paid, in accordance with the aforesaid amended marketing agreement and order by each handler who first handles fresh peas or cauliflower shall be: (1) \$1.50 per straight car of peas or cauliflower or per mixed car of peas and cauliflower, or the equivalent thereof, and (2) when less than a carload lot is shipped, one-half cent (\$0.005) per bushel of peas or per crate of cauliflower, or the respective equivalent quantities thereof, but in no event shall the assessment be in excess of \$1.50 on a shipment of peas or cauliflower less than a carload lot, or mixed shipment thereof less than a carload lot; and the aforesaid rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(b) It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the aforesaid rate of assessment is applicable, pursuant to the amended marketing agreement and order, to all fresh peas and cauliflower handled during the fiscal year beginning June 1, 1949; (2) shipments of peas have already commenced and are subject to regulation (14 F. R. 3797); (3) cauliflower shipments are expected to begin shortly and to be subject to regulation; (4) in order for the regulatory assessments to be collected, it is essential that the specification of the assessment rate be issued immediately so as to enable the Administrative Committee to perform its duties and functions under the aforesaid amended marketing agreement and order; and (5) handlers will not be required to make any special preparation to comply with the provisions hereof.

As used herein, the terms "handler," "shipped," "fiscal year," "shipment," "peas," and "cauliflower" shall have the same meaning as is given to the respective term when used in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. and Sup. I 601 et seq.; 7 CFR Part 910)

Issued this 21st day of July 1949.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 49-6094; Filed, July 25, 1949; 8:51 a. m.]

## TITLE 34—NATIONAL MILITARY ESTABLISHMENT

### Chapter V—Department of the Army

#### Subchapter F—Personnel

#### PART 577—MEDICAL AND DENTAL ATTENDANCE

#### ADMISSION AND TREATMENT OF MERCHANT SEAMEN IN MEDICAL FACILITIES OF DEPARTMENT OF ARMY OUTSIDE CONTINENTAL U. S.

Paragraphs (b) (1), (c) (2) and (c) (3) of § 577.21 are amended, as follows:

§ 577.21 *Admission and treatment of merchant seamen in medical facilities of*



the Department of the Army outside the Continental United States. \* \* \*

(b) *Seamen to whom the provisions of this section do not apply.* The provisions of this section do not apply to treatment of the following:

(1) *Seamen on Army transports and seamen on Army bareboat chartered vessels.* Such personnel are entitled to treatment in medical facilities of the Department of the Army without charge.

(c) *Personnel to whom treatment outlined in this section is applicable.* With the exception indicated in paragraph (b) of this section, the treatment outlined herein applies to the following:

(2) Merchant seamen aboard Department of the Army time-chartered vessels of commercial operators.

(3) In emergency, to save life or prevent greater suffering, merchant seamen aboard time-chartered vessels (other

than those referred to in subparagraph (2) of this paragraph), and seamen on privately owned and operated vessels.

[C1, SR 40-590-43, July 11, 1949] (R. S. 161; 5 U. S. C. 22)

[SEAL]

EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 49-6068; Filed, July 25, 1949; 8:46 a. m.]

## PROPOSED RULE MAKING

### CIVIL AERONAUTICS BOARD

[ 14 CFR, Part 41 ]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF U. S.

CREW COMPLEMENT; FLIGHT NAVIGATOR

Under section 205 (a) of the Civil Aeronautics Act of 1938, as amended, the Administrator of Civil Aeronautics is authorized to make and amend such rules, regulations, and procedure as are necessary to carry out the provisions of, and to perform and exercise his powers and duties under, the act. Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce. Under § 41.80 of the Civil Air Regulations, an airman holding a flight navigator certificate shall be required for flight over any area, route, or route segment when the Administrator of Civil Aeronautics has determined either that celestial navigation is necessary or that other specialized means of navigation essential to the safe conduct of flight cannot be adequately accomplished from the pilot station.

Acting pursuant to the foregoing statutes and regulation, and in accordance with sections 3 and 4 of the Administrative Procedure Act, notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 41.80-1 *Crew complement—flight navigator (CAA rules which apply to § 41.80)—(a) General.* The rules herein set forth have been issued pursuant to § 41.80 of the Civil Air Regulations and will be followed in determining when celestial navigation or specialized means of navigation are necessary.

(b) *Methods for determining need.* Where the desired precision and reliability in air navigation, i. e., accurate line

of position or fixes available, cannot normally be achieved by visual or nonvisual ground aids from the pilot's station for a period of:

(1) More than one hour, an airman holding a flight navigator's certificate will be required to accomplish the type of navigation indicated in the regulations; or

(2) One hour or less, determination will be made by the Administrator as to the need of an airman holding a flight navigator's certificate for the particular area, route, or segment, taking into consideration such factors having a bearing on safety as weather, air traffic control, traffic congestion, size of land at destination, and fuel requirements, whether or not sufficient fuel is carried for return to point of departure, or whether flight is predicated upon operation "beyond point of no return."

(Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

[SEAL]

DONALD W. NYROP,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 49-6064; Filed, July 25, 1949; 8:45 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR, Part 13 ]

[Docket No. 9387]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 13.21, 13.22, and 13.61 (c) of the rules governing commercial radio operators.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission proposes to amend §§ 13.21, 13.22 and 13.61 (c) of its rules and regulations to accomplish the following substantive changes:

(a) To eliminate all technical radio matters from Elements 2 and 5 of its written examinations for commercial radio operator licenses.

(b) To combine the technical matters thus removed from Elements 2 and 5 with the matters now contained in the

appropriate higher elements of the written examination.

(c) To include, in the examination requirements for the issuance of the Restricted Radiotelegraph Operator Permit, a requirement that the applicant demonstrate his ability to transmit and receive spoken messages in English.

(d) To revise the scope of authority of Restricted Radiotelegraph Operator Permits, issued or renewed on or after the effective date of these proposed rules, to reflect the deletion of all technical matters from the examination required in qualifying for that license by limiting, except under certain conditions, the performance of operating duties under that license to those duties which do not involve any tests or adjustments which might affect the proper operation of the station being operated.

3. As a basis for the above proposed changes, the Commission is guided by the minimum requirements established by Article 24, Section 12 of the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City 1947) for the Radiotelegraph Operator's Special Certificate. It is further guided by a need, believed to exist, for a non-technical radiotelegraph operator's license for the operation of stations transmitting telegraphy by the Morse Code where no normal operating duties are involved which require that the operator be technically qualified other than in a knowledge of the Morse Code and of correct operating procedures and practices. The comparatively small number of present holders of the Restricted Radiotelegraph Operator Permit is also taken by the Commission as an indication of the unsuitability of this license, with its present examination and validity, to perform an intermediate function as a license of a lower class than the Radiotelegraph First- and Second-Class Licenses, both of which are obtained on the basis of a comprehensive technical and other examination in addition to an examination in the Morse Code.

4. The proposed amendments, authority for which is contained in sections 4 (l), and 303 (l) and (r) of the Communications Act of 1934, as amended, are set forth below.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be



adopted in the form set forth in the appendix hereto, may file with the Commission on or before August 26, 1949, a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. The Commission will consider any such comments that are received before taking any final action in the matter, and if any comments are received which appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 20, 1949.

Released: July 20, 1949.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

1. Section 13.21 is proposed to be amended to read as follows:

§ 13.21 *Examination elements.* Written examinations will comprise questions from one or more of the following examination elements:

Element 1: *Basic law.* Provisions of laws, treaties and regulations with which every operator should be familiar.

Element 2: *Basic operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations.

Element 3: *Basic radiotelephone.* Technical, legal and other matters applicable to the operation of radiotelephone stations other than broadcast.

Element 4: *Advanced radiotelephone.* Advanced technical, legal and other matters particularly applicable to the operation of various classes of broadcast stations.

Element 5: *Radiotelegraph operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations other than in the maritime mobile services.

Element 6: *Advanced radiotelegraph.* Technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

2. Paragraph (f) of § 13.22 is proposed to be amended to read as follows:

(f) Restricted radiotelegraph operator permit:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2 and 5.

3. Paragraph (c) of § 13.61 is proposed to be amended by revising the phrase "Provided, That in the case of equipment designed for and using telephone or facsimile transmissions" to read as follows: "Provided, That, in the case of restricted

radiotelegraph operator permits issued or renewed on or after \_\_\_\_\_."

<sup>1</sup> The scope of authority of permits valid as of \_\_\_\_\_ shall, until the expiration of their current terms, remain unaffected by the amendment of § 13.61 (c) set forth in the Commission's order dated \_\_\_\_\_ and effective \_\_\_\_\_.

[F. R. Doc. 49-6071; Filed, July 25, 1949; 8:46 a. m.]

## [ 47 CFR, Part 18 ]

[Docket No. 9386]

### INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

#### INTERFERENCE IN TV SETS FROM OPERATION OF MEDICAL DIATHERMY AND OTHER DE- VICES

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received numerous complaints from owners of TV sets concerning interference from the operation of medical diathermy and other devices. An analysis of these complaints shows that in many instances the interfering signal is the fundamental signal emitted by the diathermy or other equipment in the channel centering on 27.120 Mc. prescribed for such use in Part 18 of the Commission's rules, which signal enters the TV receiver through direct intermediate frequency pickup. The interference involved results from the fact that most TV receiver manufacturers have selected intermediate frequency passbands in the 27 Mc. region, making such receivers presently in use susceptible to interference from medical diathermy and other devices operating on 27.120 Mc. in accordance with the Commission's rules and regulations.

3. Moreover, the Commission has received a request from a manufacturer of diathermy equipment for an interpretation of § 18.17 of the rules, and, by implication, of §§ 18.24 and 18.32 as well.

4. Part 18 of the Commission's rules presently allocates certain channels, including one centering on 27.120 Mc., on which type approved or certified diathermy, industrial heating and certain related types of equipment may operate without limitation as to power, but subject to rigid standards aimed at the suppression of spurious and harmonic emissions. Since the adoption of Part 18 on June 30, 1947, some manufacturers have designed and produced conforming machines, and have either obtained certificates of type approval therefor or have had individual installations certified as being in accordance with the Commission's rules.

5. In order to clarify §§ 18.17, 18.24 and 18.32 of the Commission's rules, it is proposed that footnotes be appended thereto as set out below, which will define the responsibility of operators of diathermy and other type approved or certified devices as regards the elimination of interference to TV and other reception resulting from direct intermediate frequency pickup in the receiver of the fundamental frequency of such de-

vices where the radiation is otherwise in accord with the rules.

6. This notice is issued pursuant to the provisions of sections 4 (i), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

7. Any interested person may file with the Commission on or before August 29, 1949, a statement or brief setting forth his comments in regard to the proposed amendments of the Commission's rules. The Commission will consider all such comments before taking action in the matter, and if comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished to the Commission.

Adopted: July 20, 1949.

Released: July 20, 1949.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

§ 18.17<sup>\*</sup> *Interference from equipment operated in accordance with §§ 18.11 and 18.12.* In the event of interference to any authorized radio service caused by the equipment operated in accordance with the provisions of §§ 18.11 and 18.12, such steps as may be necessary to remedy such interference condition shall promptly be taken.

§ 18.24<sup>\*</sup> *Interference from equipment operated in accordance with §§ 18.21 or 18.22.* In the event of interference to any authorized radio service from equipment operated in accordance with the provisions of §§ 18.21 and 18.22, steps to remedy such interference condition shall promptly be taken.

§ 18.32<sup>\*</sup> *Interference from equipment operated in accordance with § 18.31.* In the event of interference to any authorized radio services caused by equipment operated in accordance with § 18.31, steps to remedy such interference conditions shall be taken promptly.

[F. R. Doc. 49-6073; Filed, July 25, 1949; 8:47 a. m.]

<sup>\*</sup> Provided, That: in cases of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of type-approved or certified medical diathermy machines operating on prescribed fundamental frequencies and otherwise in accordance with § 18.11, this section shall not apply.

<sup>\*</sup> Provided, That: in cases of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified industrial heating equipment operating on prescribed fundamental frequencies and otherwise in accordance with § 18.21, this section shall not apply.

<sup>\*</sup> Provided, That: in cases of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of type-approved or certified miscellaneous equipment operating on prescribed fundamental frequencies and otherwise in accordance with § 18.11, this section shall not apply.



[Docket No. 9388]

## STATEMENT OF PLACES FOR SUBMITTING APPLICATIONS AND OTHER REQUESTS AND SECURING PUBLIC INFORMATION

## NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of section 0.206 (c) of the Commission's statement of places for submitting applications and other requests and securing public information.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission obtains from broadcast stations information on the number of employees, their scheduled and actual hours of employment, and their scheduled and actual compensation, by occupational groupings, for a specified week in October of each year. This information is filed on Schedules 10A or 10B of Form 324 pursuant to § 1.341 of the Commission's rules and regulations. These schedules are filed separately and in advance of the other data required by Form 324. Under section 0.206 (c) of the Commission's rules and regulations, the individual filings of this information by the stations are not open to public inspection.

3. It is herewith proposed in the interests of over-all efficiency to transfer to the Bureau of Labor Statistics, United States Department of Labor, the processing of such broadcast labor data obtained in 1949 and subsequently. The Bureau of Labor Statistics will release these data

publicly only in the form of statistical summaries without revealing the returns of individual stations. In compliance with the Federal Reports Act of 1942 (56 Stat. 1078, 5 U. S. C. 139-139f) it is proposed to amend section 0.206 (c) by inserting a sentence before the last sentence. The subsection as amended would read as follows:

(c) All applications and amendments thereto filed under title II and title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 and network and transcription contracts filed pursuant to § 1.342 shall not be open to public inspection. The Commission may, in its discretion, transmit data relating to employment, wages and hours of broadcast station employees as filed on appropriate schedules of Form 324 to the Bureau of Labor Statistics, United States Department of Labor, in order that the Bureau may process and publish the information in statistical summaries without revealing publicly the returns of any individual station. The Commission may, however,

either on its own motion, or on motion of an applicant, permittee, or licensee, for good cause shown, designate any of the material in this subsection as confidential.

4. Authority to adopt the proposed amendment is vested in the Commission by sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed change should or should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before August 29, 1949 a written statement or brief setting forth his comments. The Commission will consider these written comments, and if comments are submitted which appear to warrant the Commission's holding an oral argument, notice of time and place of such oral argument will be given.

6. An original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission, in accordance with § 1.764 of the Commission's rules and regulations.

Adopted: July 20, 1949.

Released: July 20, 1949.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-6072; Filed, July 25, 1949;  
8:46 a. m.]

## NOTICES

## DEPARTMENT OF THE TREASURY

## Bureau of Customs

[T. D. 52270]

OLD CROW, YUKON TERRITORY, CANADA

ADDITION TO "NO CONSUL" LIST

JULY 19, 1949.

In accordance with a recommendation from the Department of State, Old Crow, Yukon Territory, Canada, is hereby added to the "No consul" list (1947) T. D. 51797, as amended.

Consular invoices covering merchandise from the above-named place will be accepted if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL] G. H. GRIFFITH,  
Acting Deputy Commissioner.

[F. R. Doc. 49-6070; Filed, July 25, 1949;  
8:46 a. m.]

NATIONAL MILITARY  
ESTABLISHMENT

## Department of the Army

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE AND OFFICE OF THE DIRECTOR OF CIVILIAN MARKSMANSHIP

ORGANIZATION, FUNCTIONS, AND PROCEDURES OF AGENCIES DEALING WITH PUBLIC

The Organization, Functions, and Procedures of Agencies Dealing with the

Public, which formerly appeared under Title 10, Subtitle A, Part 2, and was amended in 14 F. R. 1047, March 8, 1949, is further amended by changing sections 2.56 (m) to read as follows:

SEC. 2.56 *Functions of Director of Civilian Marksmanship.* \* \* \* (m) It has been the practice since 1925 to appoint the same officer to serve both as Executive of the National Board for the Promotion of Rifle Practice and Director of Civilian Marksmanship. Colonel James F. Strain, Infantry is presently assigned to these duties. Colonel Frank R. Loyd is assigned as Assistant Executive Officer and Assistant Director of Civilian Marksmanship. Captain Margaret J. Wehrle, WAC, is assigned as Assistant and Administrative Officer.

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 49-6069; Filed, July 25, 1949;  
8:46 a. m.]

## DEPARTMENT OF COMMERCE

## Civil Aeronautics Administration

[Amdt. 6]

## STATEMENT OF ORGANIZATION

The Secretary of Commerce is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its

officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it (see R. S. 161; 5 U. S. C. 22). The Administrator of Civil Aeronautics is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of the Civil Aeronautics Act of 1938, as amended, as he shall deem necessary to carry out such provisions and to exercise and perform his powers and duties under the Act (see sec. 205, 52 Stat. 984; 49 U. S. C. 425; 5 F. R. 2107, 2421).

Acting pursuant to the foregoing authority, the "Organization of the Civil Aeronautics Administration" is amended as follows:

## ADMINISTRATIVE OFFICES

1. By amending section 12 to read as follows:

SEC. 12. *Special staff offices*—(a) *Aviation Information Office.* Directs and coordinates the dissemination of information on civil aviation to the public, and advises the Administrator on public information policies.

(b) *General Counsel's Office.* Renders all legal services, including general opinions, the preparation and interpretation of legislation, regulations, and international commitments, and the en-



forcement of applicable laws and regulations, required by the Civil Aeronautics Administration and by its officers serving in connection with other bodies such as the Air Coordinating Committee and the International Civil Aviation Organization.

(c) *Budget Office.* Represents and provides special staff assistance to the Office of the Administrator in the development, application, and execution of budgetary policies and in the submission of original and supplemental budget estimates and congressional justifications; provides for the securing and control of funds necessary for authorized Civil Aeronautics Administration operations, and assists in the formulation of revision of fiscal programs.

(d) *Organization and Methods Office.* Provides special staff assistance to the Office of the Administrator on all organization and management methods matters, and in connection therewith surveys and makes recommendations for the improvement of organization, administrative techniques, practices, and methods of operation in all parts of the Civil Aeronautics Administration; processes directives and procedures required to establish approved recommendations.

(e) *Personnel Office.* Represents and provides special staff assistance to the Office of the Administrator in the development, application, and execution of personnel policies, and, within policy decisions made by the Administrator, plans, develops, and provides direction to, and evaluates the execution of, the personnel program of the Administrator, which includes recruitment and placement of employees, classification of positions, employee training, and employee-management relations.

2. By amending section 15 to read as follows:

**SEC. 15. Office of Federal Airways.** The Office of Federal Airways shall be under the direction of the Director, Office of Federal Airways. The functions of the principal subdivisions thereof are as follows:

(a) *Establishment Engineering Division.* (1) Directs the engineering planning, and prescribes standards, policies, and procedures governing survey, establishment and improvement of the Federal Airways system of aids to air navigation, communications, and landing areas and airports as assigned, in the United States, its territories and possessions and in foreign countries.

(2) Directs inspection of facilities during construction and upon completion to obtain sampling information which is representative of regional establishment activities to provide a basis upon which to judge compliance with established standards.

(3) Determines requirements for the procurement, manufacture, inspection, storage for assembly and distribution of equipment and materials for use in the establishment of air navigation and communication facilities.

(4) As directed, collaborates with representatives of foreign governments, through established channels, in developing international airways systems and services.

(b) *Maintenance Engineering Division.*

(1) Formulates and prescribes policies and standards, and plans, engineers, directs and coordinates programs, for the maintenance, relocation and modification of air navigation facilities comprising the Federal Airways System in the United States, its territories and possessions, and similar CAA operated facilities in foreign countries; directs the establishment of standards for the inspection by maintenance personnel of new facilities prior to final acceptance; directs the making of routine sampling inspections of commissioned facilities to determine current suitability with respect to facility type and equipment, to check adequacy of maintenance standards and evaluate field execution proficiency.

(2) Establishes standards for types and quantities of supplies, materials, tools and equipment to be procured, carried in stock, and used in the maintenance of air navigation facilities.

(3) As directed, collaborates with the representatives of foreign governments in developing airways maintenance programs suited to their needs.

(c) *Communications Division.* (1) Prescribes standards, policies and procedures for communications operations and, as required, collaborates with the Department of National Defense, other Government agencies, and appropriate civil aviation organizations in prescribing standards, policies and procedures governing the provision and utilization of communications systems and services.

(2) Directs the planning of continuing development of communications systems and services, and, as directed, collaborates with the Air Navigation Development Board, the Air Coordinating Committee, the Radio Technical Commission for Aeronautics, other governmental agencies, and appropriate civil aviation organizations in the development of associated ground and airborne equipment.

(3) Directs a continuing program to determine the detailed operational requirements of communications systems and services necessary for automatic air traffic control; prescribes procedures required for the operation of those systems, and, in connection therewith, represents the Civil Aeronautics Administration before the Air Coordinating Committee and the Air Navigation Development Board.

(4) Collaborates with other divisions of the Office of Federal Airways in the planning for establishment and operation of air navigation facilities and communications services required for the control of air traffic, and, as directed, advises other Government agencies and civil aviation organizations regarding their plans for the establishment and operation of air navigation facilities and aeronautical communications systems.

(5) As directed, collaborates with the Department of National Defense in the development, establishment and implementation of plans for the utilization of communications facilities and personnel in connection with national defense programs.

(6) As directed, furnishes specialized technical advice and information to ap-

propriate agencies of the government with regard to communications as it may affect the operation of United States flag carriers into and through the various geographical areas traversed by international air routes.

(7) Directs the development of recommendations with respect to international communications standards, procedures and operations; collaboration with other government agencies and industry to develop the United States policy on communications; and participation in international conferences to present and support such policy.

(8) Interprets and explains international communication standards, practices, and procedures, and recommends measures to maintain harmonious relationship between national civil aviation policy and related international procedures, practices, and requirements.

(9) Directs the participation in investigation of aircraft accidents and other inquiries with regard to the operation of communications services.

(10) Collaborates or directs collaboration in the formulation and revision of Civil Air Regulations with respect to Communications Division requirements.

(d) *Air Traffic Control Division.* (1) Prescribes standards, policies, and procedures for the operation of air traffic control facilities, and, as required, collaborates with the Department of National Defense and other agencies in developing standards, policies, and procedures governing the control of air traffic, both domestic and overseas.

(2) Directs the planning of continuing development of the operational requirements of air traffic control facilities and associated ground and airborne equipment, and in connection therewith collaborates with the Air Navigation Development Board, the Air Coordinating Committee, the Radio Technical Commission for Aeronautics, other governmental organizations, and appropriate civil aviation organizations; conducts a continuing program to develop the detailed operational requirements of an automatic air traffic control system, and, in connection therewith, represents the Civil Aeronautics Administration before the Air Navigation Development Board and the Air Coordinating Committee.

(3) As directed, collaborates with the Department of National Defense in the development and establishment of plans for the utilization of air traffic control facilities and personnel in national defense programs.

(4) As directed, furnishes specialized technical advice and information to appropriate agencies of the government with regard to air traffic control as it may affect the operation of United States-flag carriers into and through the various geographical areas traversed by international air routes.

(5) Directs the development of recommendations with respect to international air traffic control standards, procedures and operations; collaboration with other governmental and civil agencies and organizations to develop the United States policy on air traffic control; and participation in international conferences to present and support such policy.



(6) Interprets and explains international air traffic control standards, practices and procedures and recommends measures to maintain a harmonious relationship between national civil aviation policy and related international procedures, practices, and requirements.

(7) Collaborates in the formulation of Civil Air Regulations for the control of air traffic and the certification of air traffic control personnel.

(8) Directs participation in investigation of aircraft accidents and other inquiries with regard to operation of air traffic control facilities.

3. By amending section 16 to read as follows:

SEC. 16. *Office of General Services.* The Office of General Services shall be under the direction of the Director, Office of General Services. The principal functions of this office which might affect the public are as follows:

(a) Provides staff assistance to the Office of the Administrator in the discharge of its responsibilities for accounting, financial reporting, procurement, property management, and the control and utilization of Civil Aeronautics Administration aircraft.

(b) Procures and manages or maintains properties and materials required for Civil Aeronautics Administration operations, including providing for the proper maintenance of and control over Civil Aeronautics Administration aircraft.

(c) Renders office services, including the operation of mail, file, and machine tabulating systems, and the procurement and distribution of printed and reproduced material.

(d) Develops, establishes, and maintains a complete set of accounts, fiscal records, and financial reports covering the fiscal operations of the Civil Aeronautics Administration.

(e) Audits and approves for payment all types of public vouchers payable from Civil Aeronautics Administration funds; audits sponsors' accounts and related documents and makes final recommendation as to the Administration's financial obligations in connection with construction for the Federal Aid Airport Program.

4. By deleting Section 17.

5. By amending the heading, "Aeronautical Center," and section 41 and by adding a new section 42 as follows:

#### CIVIL AERONAUTICS ADMINISTRATION CENTERS

SEC. 41. *The Aeronautical Center.* The Aeronautical Center is located at Oklahoma City, Oklahoma, and is under the direction of the Director, Aeronautical Center. The Aeronautical Center plans and conducts such standardization and training courses for Civil Aeronautics Administration employees and other individuals as are required to establish or maintain personnel proficiency for the various programs of the Civil Aeronautics Administration.

SEC. 42. *The Technical Development and Evaluation Center.* The Technical Development and Evaluation Center is located at Indianapolis, Indiana, and is

under the direction of the Director, Technical Development and Evaluation Center. The Technical Development and Evaluation Center conducts applied research, performs service testing, and evaluation directed toward eliminating hazards in and improving the safety and efficiency of the operation of aircraft, systems of air navigation, and landing facilities.

6. By amending the heading, "Foreign Field Offices," and making sections 61, 62, and 63 read as follows:

#### INTERNATIONAL REGION

SEC. 61. *General.* The Civil Aeronautics Administration International Region, with headquarters in Washington, D. C., is established for the purpose of administering Civil Aeronautics Administration activities in those areas of the world not assigned to the other CAA Regional Offices as described in section 51.

SEC. 62. *Functions.* The functions of the International Region are as follows:

(a) The execution on a world-wide basis of directives, policies, and programs issued by the Washington Office of CAA with respect to:

(1) The operating certificates and operations specifications covering the international and overseas operations of U. S. air carriers.

(2) The CAA permits issued under the Air Commerce Act of 1926 and CAA specifications issued pursuant to permits granted by the CAB for the operation of foreign air carriers within U. S. territory.

(b) The execution of approved CAA policies, programs, and projects within its assigned geographical area, including:

(1) Establishing, maintaining, modifying and operating aerodromes and auxiliary services, facility structures, communication systems, air traffic control systems, electronic devices and other aids to air navigation.

(2) Conducting U. S. civil aviation safety activities relating to airmen, aircraft, air agencies, fixed base and other operators.

(3) Conducting or participating in investigations of aircraft accidents and alleged violations of regulations pertaining to operation of aircraft.

(4) Advising foreign governments, and other agencies whose activities concern U. S. civil aviation, on

(i) Airport site selection, planning, acquisition, development, management and approach protection.

(ii) Installation, operation and maintenance of communication and air traffic control systems and aids to air navigation.

(iii) Adoption of regulations, techniques and equipment concerning safety of airmen, aircraft and air operations, and

(iv) Training requirements for proficiency in the various phases of civil aviation activity

(5) Activating and supervising technical missions to foreign countries in the execution of approved programs of technical assistance with regard to civil aviation matters.

(6) Receiving members of technical missions from foreign countries and arranging for the carrying out of approved programs for such missions; receiving individual visitors from foreign countries and making necessary arrangements in connection with their civil aviation interests.

(7) Implementing the policies, projects, and procedures arising from:

(i) U. S. laws, rules and regulations.

(ii) U. S. participation in international organizations concerned with civil aviation matters, or

(iii) Arrangements between the United States and one or more foreign governments.

(8) Disseminating information on civil aviation activities and techniques.

(9) Briefing or arranging for the briefing of personnel in connection with official visits to foreign countries on civil aviation matters and assisting such personnel in the performance of their assignments.

SEC. 63. *International Field Offices.* Field activities of the International Region are carried out primarily by the International Field Offices.

(a) *Functions.* The functions performed by each of the International Field Offices are as follows:

(1) Issues certificates and examines and inspects applicants for pilot, mechanic, parachute rigger, dispatcher, and other airman certificates.

(2) Issues airworthiness and other aircraft certificates.

(3) Inspects airmen and aircraft of U. S. flag air carriers engaged in international air transportation to determine compliance with, and the enforcement of, the applicable safety rules, regulations, and orders issued pursuant to the Civil Aeronautics Act of 1938, as amended.

(4) Directs the investigation of alleged violations of such safety requirements, including accidents when such violations or accidents involve civil aircraft of the United States.

(5) Provides liaison between United States technical personnel, including those assigned to the international field office and those performing special mission activities, and the Embassies, Legations, Consulates, or other appropriate Department of State offices.

(6) Promotes United States civil aviation interests through familiarization of foreign officials with United States standards, procedures, and techniques and with related international standards, procedures, and techniques as set forth in the International Civil Aviation Convention or other international agreements to which the United States is a party.

(b) *Location.* The location of the International Field Offices of the Civil Aeronautics Administration and the mailing addresses of such offices are as follows:

(1) *Balboa, Canal Zone.*

Coordinator, Civil Aeronautics Administration  
P. O. Box "J"  
Balboa Heights, Canal Zone



(2) *Bangkok, Siam.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
Bangkok, Siam

(3) *Buenos Aires, Argentina.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
Buenos Aires, Argentina

(4) *Cairo, Egypt.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
Cairo, Egypt

(5) *Lima, Peru.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
Lima, Peru

(6) *London, England.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
London, England

(7) *Manila, Philippine Islands.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
APO 736, c/o Postmaster  
San Francisco, California

(8) *Paris, France.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
Paris, France

(9) *Rio de Janeiro, Brazil.*

Coordinator, Civil Aeronautics Administration  
c/o United States Embassy  
Rio de Janeiro, Brazil

(10) *Tokyo, Japan.*

Coordinator, Civil Aeronautics Administration  
APO 500, c/o Postmaster  
San Francisco, California

(R. S. 161; 52 Stat. 984, 5 U. S. C. 22;  
49 U. S. C. 425; 5 F. R. 2107, 2421)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,  
Administrator of Civil Aeronautics.

Approved:

C. V. WHITNEY,  
Acting Secretary of Commerce.

[F. R. Doc. 49-6063; Filed, July 25, 1949;  
8:45 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 3964]

TRANS-CANADA AIR LINES

NOTICE OF HEARING

In the matter of the application of Trans-Canada Air Lines pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between Montreal, Quebec, Canada, and New York, N. Y., U. S. A.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on August 15, 1949, at 10:00 a. m. (eastern daylight saving time) in Conference Room A, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.  
2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force between the United States and Canada.

Notice is further given that any person not a party hereto desiring to be heard in opposition to the application herein must file with the Board on or before August 15, 1949, a statement setting forth the issue of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 21, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 49-6074; Filed, July 25, 1949;  
8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2085]

AMERICAN GAS AND ELECTRIC CO. AND  
APPALACHIAN ELECTRIC POWER CO.

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of July A. D. 1949.

Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, with respect to the proposed borrowing in the aggregate amount of \$18,000,000 by Appalachian from banks at an interest rate of not to exceed 2¼%, such borrowings to be made from time to time up to May 1, 1950,

and said loans to mature May 1, 1950; and

The Commission having ordered that American Gas be made a party respondent in these proceedings; and

A public hearing having been held on such declaration, as amended, after appropriate notice, and the Commission having examined the record and having made and filed its findings and opinion herein:

It is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 49-6098; Filed, July 25, 1949;  
8:51 a. m.]

[File No. 70-2147]

NEW JERSEY POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of July 1949.

New Jersey Power & Light Company ("NJP&L"), a subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of \$3,500,000 principal amount of First Mortgage Bonds, due 1979; and

The Commission having, by order dated July 8, 1949, granted said application, as amended, subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all legal fees and expenses in connection with the proposed transaction; and

NJP&L having, on July 20, 1949, filed a further amendment to said application in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

| Bidder                      | Price to NJP & L | Interest rate | Cost to NJP & L |
|-----------------------------|------------------|---------------|-----------------|
|                             | Percent          | Percent       | Percent         |
| Carl M. Loeb, Rhoades & Co. | 102.0899         | 2½            | 2.771949        |
| Equitable Securities Corp.  | 102.021          | 2½            | 2.775304        |
| Union Securities Corp.      | 101.98           | 2½            | 2.777301        |
| Salomon Bros. & Hutzler     | 101.9179         | 2½            | 2.780326        |
| Halsey, Stuart & Co., Inc.  | 101.855          | 2½            | 2.783397        |
| Kidder, Peabody & Co.       | 101.6819         | 2½            | 2.791852        |
| Otis & Co.                  | 101.6379         | 2½            | 2.794006        |



The amendment further stating that NJP&L has accepted the bid of Carl M. Loeb, Rhoades & Co. for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 102.54% of principal amount thereof, resulting in an underwriter's spread of 0.4501%; and

The legal fees and expenses proposed to be incurred in connection with the proposed sale of bonds having been estimated as follows:

|  |               |
|--|---------------|
| Autenrieth & Rochester, co-counsel for NJP&L.....          | \$5,000       |
| Harold J. Ryan, co-counsel for NJP&L.....                  | 3,000         |
| Cahill, Gordon, Zachry & Reindel, counsel for bidders..... | 5,300         |
| <b>Total .....</b>   | <b>13,300</b> |

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the redemption prices thereof, the interest rate thereon and the underwriter's spread; and

It appearing that the proposed legal fees and expenses are not unreasonable and that jurisdiction with respect thereto should be released:

*It is hereby ordered*, That jurisdiction heretofore reserved in connection with the sale of said bonds be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

*It is further ordered*, That jurisdiction heretofore reserved over all legal fees and expenses in connection with the proposed transaction be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 49-6099; Filed, July 25, 1949;  
8:52 a. m.]

[File No. 70-2151]

AMERICAN POWER & LIGHT CO. AND FLORIDA  
POWER & LIGHT CO.

SUPPLEMENTAL ORDER GRANTING AND PER-  
MITTING TO BECOME EFFECTIVE JOINT  
APPLICATION-DECLARATION AND RELEASING  
JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of July A. D. 1949.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's utility subsidiary Florida Power & Light Company ("Florida"), having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a), 10 and 12

(f) thereof and Rules U-43 and U-50 thereunder, regarding the issue and sale by Florida and the acquisition by American of 350,000 additional shares of the common stock of Florida (all of the presently outstanding shares of such common stock now being owned by American) for a cash consideration of \$6,000,000; and, regarding the issue and sale by Florida pursuant to the competitive bidding requirements of Rule U-50 of \$10,000,000 principal amount of First Mortgage Bonds, --% Series, due 1979; and

The Commission having, by its order dated June 24, 1949, granted said application and permitted said declaration to become effective, subject to the condition that the proposed issue and sale of said bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by the Commission in light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of fees and expenses incurred or to be incurred in connection with the transactions, and subject to a further reservation of jurisdiction to entertain an appropriate application by American and Florida for an order containing such recitals or granting such other relief as might be warranted under the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof;

American and Florida having filed a further amendment to their application-declaration setting forth the action taken to comply with the requirements of Rule U-50, and containing a request that an appropriate order be entered pursuant to the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof, said application setting forth that a part of the cash to be used by American for the purchase of the 350,000 additional shares of Florida's common stock was obtained by American from the sale of 450,000 shares of common stock of Kansas Gas and Electric Company, such sale having been found by this Commission (File No. 70-2131) to be necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

Said amendment stating that pursuant to an invitation for competitive bids the following bids for said bonds were received:

| Bidding group headed by—                         | Interest rate | Price to company | Annual cost to company |
|--|---------------|------------------|------------------------|
| Carl M. Loeb, Rhoades & Co., Bear, Stearns & Co. | Per-cent      |                  |                        |
| Halsey, Stuart & Co. Inc.                        | 3             | 101.6291         | 2.9181                 |
| The First Boston Corp.                           | 3             | 101.455          | 2.9268                 |
| Harriman Ripley & Co.                            | 3             | 101.2091         | 2.9361                 |
| Shields & Co.                                    | 3             | 100.91           | 2.9541                 |
| White, Weld & Co.                                | 3             | 100.853          | 2.9569                 |
| Lehman Bros.                                     | 3             | 100.829          | 2.9581                 |
|  | 3             | 100.35129        | 2.9822                 |

Said amendment containing a statement that the company has accepted the bid of the group headed jointly by Carl M. Loeb, Rhoades & Co., and Bear, Stearns & Co. for said bonds and that said bonds will be offered to the public at a price of 101.99% of the principal amount thereof, resulting in an underwriters' spread of .3609% of the principal amount of said bonds; and

The record having also been completed with respect to the expenses relating to the proposed transactions aggregating \$65,000 including counsel fees as follows:

|   |         |
|---|---------|
| Reid & Priest, New York counsel for Florida.....                                    | \$7,500 |
| Loftin, Anderson, Scott, McCarthy & Preston, local counsel for Florida.....         | 7,500   |
| LeBoeuf and Lamb, counsel for the purchasers (to be paid by the underwriters) ..... | 6,000   |

The Commission having examined said amendment and having considered the record herein and finding no basis for the imposition of terms and conditions with respect to such matters, other than those contained in Rule U-24, and finding that the legal fees and other expenses are not unreasonable; and

The Commission finding that the investment by American of \$6,000,000 through the use of a part of the proceeds of the sale by American of its holdings of the common stock of Kansas Gas and Electric Company, together with other cash, in the acquisition of 350,000 additional shares of the common stock of Florida and the issuance and sale by Florida to American of said 350,000 shares of common stock are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof;

*It is ordered*, That said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

*It is further ordered*, That the jurisdiction heretofore reserved with respect to matters to be determined by competitive bidding for said bonds and with respect to all legal fees and expenses be, and the same hereby is, released.

*It is further ordered*, That the issuance and sale by Florida of 350,000 shares of its common stock to American and the investment by American in Florida of \$6,000,000 in the purchase by American of said 350,000 shares of the common stock of Florida are necessary or appropriate to the integration or simplification of the holding company system of which American is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 49-6101; Filed, July 25, 1949;  
8:52 a. m.]



[File No. 70-2158]

## ST. JOSEPH LIGHT POWER CO. AND CONTINENTAL GAS &amp; ELECTRIC CORP.

## SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of July A. D. 1949.

St. Joseph Light & Power Company ("St. Joseph") and its parent, Continental Gas & Electric Corporation ("Continental"), a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder, regarding, inter alia, the issue and sale at competitive bidding of \$4,750,000 principal amount of First Mortgage Bonds, --% Series due 1979.

The Commission having by order dated July 6, 1949, granted said application-declaration, as amended, subject to the condition that the proposed issue and sale of said bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed; and

Applicants-declarants having filed a further amendment to the application-declaration, as amended, setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to an invitation for competitive bids, the following bids for said bonds were received:

| Bidding group headed by—       | Coupon rate | Price to company <sup>1</sup> | Cost to company |
|--------------------------------|-------------|-------------------------------|-----------------|
|                                | Percent     |                               | Percent         |
| Halsey, Stuart & Co., Inc..... | 3           | \$101.729                     | 2.9132          |
| Otis & Co.....                 | 3           | 101.0599                      | 2.9465          |
| Smith, Barney & Co.....        | 3           | 100.76                        | 2.9616          |
| Glore, Forgan & Co.....        | 3           | 100.67999                     | 2.9656          |
| Union Securities Corp.....     | 3           | 100.63                        | 2.9684          |
| White, Weld & Co.....          | 3           | 100.429                       | 2.9783          |
| Equitable Securities Corp..... | 3           |                               |                 |

<sup>1</sup> Plus accrued interest to date of delivery.

The amendment further containing a statement that the company has accepted the bid of Halsey, Stuart & Co., Inc. for said bonds, as set forth above, and that said bonds will be offered to the public at a price of 102.25% of the principal amount thereof, plus accrued interest, resulting in an underwriter's spread of 0.521% of the principal amount of said bonds; and

The Commission having examined the amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to said matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds be, and the same hereby is, released, and that said application-declaration, as further amended, be, and the same hereby is,

granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 49-6102; Filed, July 25, 1949; 8:52 a. m.]

[File No. 70-2181]

## WASHINGTON WATER POWER CO.

## NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of July A. D. 1949.

Notice is hereby given that The Washington Water Power Company ("Washington"), and electric utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, which is also a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (b) and 7 thereof as applicable to the proposed transactions which are summarized as follows:

Washington proposes to borrow from time to time from August 1, 1949, to November 1, 1950, from certain banks located in the State of Washington the aggregate amount of \$4,500,000. Each such borrowing will be made upon at least three days written notice to the banks and will be evidenced by the company's promissory note maturing on November 1, 1950, and bearing interest at the rate of 2% per annum from the date of issuance to maturity, or such higher rate of interest as may be mutually agreed upon but not in excess of 2 1/4% per annum. Any such notes may be prepaid in whole or in part without payment of premium or penalty.

The application states that the proceeds from the proposed borrowings will be used to repay a presently outstanding note in the amount of \$1,985,000, and in carrying out the company's construction program.

The application further states that the notes will be repaid from the proceeds of permanent financing contemplated for the year 1950.

The application also states that the issuance and sale of the notes is for the purpose of financing the business of Washington as a public utility and will have been expressly authorized by the Washington Public Service Commission.

Applicant requests that the Commission's order issue as promptly as may be practicable, and that it become effective upon issuance.

Notice is further given that any interested person may, not later than August 1, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commis-

sion should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. d. s. t., on August 1, 1949, said application as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 49-6100; Filed, July 25, 1949; 8:52 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13476]

JOHN AHDERS

In re: Estate of John Ahders, deceased. File No. D-28-12664; E. T. sec. 16841.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Munchner, Elizabeth Wiefendeen, Willie Ahders, and Reinhold Ahders, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of John Ahders, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Norma Knatz, as Administratrix, acting under the judicial supervision of the Surrogate's Court, Kings County Brooklyn, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt



with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6075; Filed, July 25, 1949;  
8:47 a. m.]

[Vesting Order 13495]

ANNA C. G. PIEPER

In re: Estate of Anna C. G. Pieper, deceased. File No. D-28-9926; E. T. sec. 16625.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Broeker, Antonia Broeker, Heinrich Gerling, Anna Gerling, Josefa Kappelhoff, Amalie Gerling, Katharina Gerling, Pauline Pieper, Heinrich Herker-Orthaus, Gerhard Herker-Orthaus, Maria Haveloh, Maria Schmiing, Anton Roters, Heinrich Roters, Josef Roters, Johann Roters, Hermann Roters, Johanna Roters, Willi Roters, Anton Roters, Renate Roters, Johannes Roters, Franz Roters, Sophie Roters, Mathilde Roters, Maria Roters, Johanna Roters, Josef Roters, Johanna Wessling, Josef Schulten, Bernhard Schulten, Hermann Wenke, Anna Wenning, Katharina Oskamp, Sophie Hessling, Anna Kustos, Theodor Epping, Franziska Beckers, Elisabeth Werschmoeller, Heinrich Epping, Franziska Schulten, and Paula Sporkmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Roters, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Anna C. G. Pieper, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Lawrence J. Mackey, as administrator d. b. n., c. t. a., acting under the judicial supervision of the County Court of Jefferson County, Kentucky;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Roters, deceased, are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6050; Filed, July 22, 1949;  
8:50 a. m.]

[Vesting Order 13556]

NAOICHI MAEDA

In re: Cash owned by Naoichi Maeda. D-39-1968-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Naoichi Maeda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of \$142.82, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Naoichi Maeda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Naoichi Maeda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6056; Filed, July 22, 1949;  
8:51 a. m.]

[Vesting Order 13519]

H. Y. KATAOKA

In re: Bank account owned by H. Y. Kataoka. F-39-5894-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Y. Kataoka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Sumitomo Bank of Hawaii in Dissolution, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, account number 18355 and Receiver's Liability Number 3393, entitled H. Y. Kataoka, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6053; Filed, July 22, 1949;  
8:51 a. m.]



[Vesting Order 13504]

PETER SIERT

In re: Estate of Peter Siert, deceased. File No. D-28-12627; E. T. sec. 16805.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Koencke Hansen, Eduard Koencke, Helga Koencke Kliem, Johann Siert, Marie Koch Holm, Elise Koch Karst, Maria Siert, Catharina Siert Holm, Jorgen Siert, Detlef Koll, Wiebke Koll Luthje, Margaretha Koll Vogt, Anna Siert, and Kaethi Koch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Peter Siert, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank Siert, as Administrator de bonis non with the will annexed, acting under the judicial supervision of the County Court of Washington County, State of Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6052; Filed, July 22, 1949; 8:51 a. m.]

[Vesting Order 13555]

JAPANESE GOVERNMENT

In re: Bank accounts and checks owned by Japanese Government. D-39-1089-E-1; 2, F-39-2546-E-1; 2, F-39-3106-E-1; 2; 3; 4; 6; 9, F-39-3106-C-1, D-39-15533-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street New York 15, New York, arising out of a Checking Account, entitled Consulate General of Japan, maintained at the branch office of the aforesaid bank located at 9 West 51st Street, New York, New York, and any and all rights, to demand, enforce and collect the same,

b. That certain debt or other obligation of Whitney National Bank of New Orleans, New Orleans, Louisiana, arising out of a Checking Account, entitled Consulate of Japan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of The Second National Bank of Houston, Houston, Texas, arising out of a Checking Account, entitled Consulate of Japan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of The First National Bank of Chicago, Dearborn, Monroe & Clark Streets, Chicago, Illinois, arising out of a Savings Account, account number 584,762, entitled Japanese Consulate, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation of Sumitomo Bank of Seattle, 1411 Fourth Avenue Building, Seattle, Washington, arising out of a Checking Account, entitled Consul of Japan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of Sumitomo Bank of Seattle, 1411 Fourth Avenue Building, Seattle, Washington, arising out of a Checking Account, entitled Consul of Japan—A Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation of Sumitomo Bank of Seattle, 1411 Fourth Avenue Building, Seattle, Washington, arising out of a Checking Account, entitled Consul of Japan—C Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation of The Northern Trust Company, 50 South LaSalle Street, Chicago 90, Illinois, arising out of a Checking Account, entitled Japanese Consulate General "A" Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

i. That certain debt or other obligation of The Northern Trust Company, 50 South LaSalle Street, Chicago 90, Illinois, arising out of a Checking Account, entitled Japanese Consulate General "special" Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

j. That certain debt or other obligation of The National Metropolitan Bank of Washington, 613 15th Street NW., Washington 13, D. C., arising out of a Checking Account, entitled Imperial Jap-

anese Embassy, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

k. That certain debt or other obligation of The Riggs National Bank of Washington, D. C., 1503 Pennsylvania Avenue NW., Washington, D. C., arising out of a Checking Account, entitled Imperial Japanese Embassy, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

l. That certain debt or other obligation of Union Trust Company of the District of Columbia, 15th & H Streets NW., Washington 5, D. C., arising out of a Checking Account, entitled Office of Military Attaché, Japanese Embassy, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

m. That certain debt or other obligation of the Superintendent of Banks of the State of New York as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the amount of \$2,430 as of December 31, 1945, arising out of a dividend declared on check number 23801, dated December 3, 1941, issued by The Yokohama Specie Bank, Ltd., New York, New York, to Second National Bank, Houston, Texas, for Credit to Blocked Account of Masaro Sano, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

n. Those certain debts or other obligations of The Yokohama Specie Bank, Ltd., Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a commercial checking account entitled Consulate of Japan, maintained at the aforesaid Office, and out of cashier's check No. 69943, payable to Japanese Consulate, issued by the aforesaid Office, and any and all rights to demand, enforce and collect the same, and

o. That certain debt or other obligation of Whitney National Bank of New Orleans, New Orleans, Louisiana, arising out of a checking account, entitled M. Sano and Japanese Consulate, maintained at the aforesaid Bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning



prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6055; Filed, July 22, 1949;  
8:51 a. m.]

[Vesting Order 13478]

CAROLINA (CARRIE) BECKMANN

In re: Estate of Carolina (Carrie) Beckmann, deceased. File No. D-28-12600; E. T. sec. 16790.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William J. Beckmann, Elizabeth Beckmann Pfeiffer, and Marie Beckmann Munzebrock, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of William J. Beckmann, except William J. Beckmann, Jr., a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except William J. Beckmann, Jr., a resident of the United States, in and to the estate of Carolina (Carrie) Beckmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Elizabeth M. Beckmann, as administratrix, acting under the judicial supervision of the Probate Court of Hamilton County, State of Ohio;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of William J. Beckmann, except William J. Beckmann, Jr., a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6076; Filed, July 25, 1949;  
8:47 a. m.]

[Vesting Order 13479]

ELIZABETH M. BECKMANN ET AL.

In re: Elizabeth M. Beckmann, plaintiff, vs. Mary Beckmann Foltz et al., defendants. File No. D-28-12600; E. T. sec. 16790.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William J. Beckmann, Elizabeth Beckmann Pfeiffer, and Marie Beckmann Munzebrock, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of William J. Beckmann, except William J. Beckmann, Jr., a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except William J. Beckmann, Jr., a resident of the United States, in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Elizabeth M. Beckmann, Plaintiff, vs. Mary Beckmann Foltz, et al. Defendants," in the Court of Common Pleas, Hamilton County, State of Ohio, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by C. Taylor Handman, Sheriff of Hamilton County, State of Ohio, as depository, acting under the judicial supervision of the Court of Common Pleas of Hamilton County, State of Ohio;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of William J. Beckmann, except William J. Beckmann, Jr., a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6077; Filed, July 25, 1949;  
8:47 a. m.]

[Vesting Order 13480]

CALIFORNIA TRUST CO. ET AL.

In re: Trust agreement dated April 22, 1930 of California Trust Company, trustee: Marian Beveridge Pringle and Phyllis Beveridge Brunson, trustors; and Ray Beveridge and Kuhne Beveridge Branson, beneficiaries. File No. D-28-8099-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ray Beveridge, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Kuhne Beveridge Branson, deceased, except Marian Beveridge Pringle and Phyllis Beveridge Brunson, residents of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Marian Beveridge Pringle and Phyllis Beveridge Brunson, residents of the United States, in and to and arising out of or under that certain trust agreement dated April 22, 1930, by and between California Trust Company, Trustee; Marian Beveridge Pringle and Phyllis Beveridge Brunson, Trustors; and Ray Beveridge and Kuhne Beveridge Branson, Beneficiaries, presently being administered by California Trust Company, Trustee, 629 South Spring Street, Los Angeles 54, California, including particularly, but not limited to, the right of said Ray Beveridge to approve or to withhold approval of any proposed amend-



ment of said trust agreement, any proposed revocation, in whole or in part, of the trust created thereby and for any proposed withdrawal, in whole or in part, of any property held thereunder by said trustee, all as provided in paragraph Fourth of said trust agreement, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Kuhne Beveridge Branson, deceased, except Marian Beveridge Pringle and Phyllis Beveridge Brunson, residents of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6078; Filed, July 25, 1949;  
8:47 a. m.]

[Vesting Order 13483]

GEORGE H. EMERSON

In re: Declaration of Trust dated May 8, 1934, by George H. Emerson as amended on March 10, 1936. File No. F-28-19832 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Gertrude Pilz, also known as Gertrude Pilz, Hedwig Pilz and Adalbert Pilz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Adalbert Pilz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever

of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under a declaration of trust dated May 8, 1934, by George H. Emerson, as amended on March 10, 1936, presently being administered by George H. Emerson, trustee, 27 William Street, New York 5, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Adalbert Pilz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6079; Filed, July 25, 1949;  
8:47 a. m.]

[Vesting Order 13500]

WILHELMINE SCHOENEFELDT

In re: Rights of Wilhelmine Schoenefeldt under pension award of North Dakota Workmen's Compensation Bureau. File No. F-28-29629-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Schoenefeldt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That any and all payments due or to become due under a pension award of the North Dakota Workmen's Compensation Bureau rising out of Claim No. 20,552, together with the right to demand, receive and collect said payments,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6080; Filed, July 25, 1949;  
8:47 a. m.]

[Vesting Order 13510]

LOUISE WALTERS

In re: Trust under the will of Louise Walters, deceased. File No. D-28-12655.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Ebersold and Maria Nagel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Louise Walters, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Otto J. Kalt, as trustee, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having



been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. D. Doc. 49-6081; Filed, July 25, 1949;  
8:48 a. m.]

[Vesting Order 13545]

WILLIAM UNGERER

In re: Trust under the will of William Ungerer, deceased. File No. D-28-2379; E. T. sec. No. 4365.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Frederick Schmit, Margaretta Ungerer, Bertha Stiegle, Hermine Ungerer, Katharine Friederike Ungerer, Frieda Berta Ungerer, Emil Karl Ungerer, Albert Kohle, Emma Maria Schmid, Berta Ungerer, Herman Ludwig Ungerer, Eugenie Hermine Ungerer, Emma Sophie Felss, Karl August Ernest Ungerer, Meta Maier, August Wilhelm Ungerer, Otto Rudolph Ungerer, Richard Karl Ungerer, Barbara Ungerer, Klara Bestler, Meta Ungerer, Karl Ungerer, Ludwig Ungerer, Gustav Wilhelm Ungerer and August Gustav Michel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That any and all income of a trust created under the will of William Ungerer, deceased, payable to the persons named in subparagraph 1. hereof, pursuant to an adjudication of the Orphans' Court of Philadelphia County, Pennsylvania, dated December 30, 1936, and entered in a proceeding entitled, Estate of William Ungerer, Deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fidelity-Philadelphia Trust Company, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1. hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6082; Filed, July 25, 1949;  
8:48 a. m.]

[Vesting Order 13554]

KIYOSHI HAYAKAWA AND SUSUMU YAMAGUCHI

In re: Debts owing to Kiyoshi Hayakawa and Susumu Yamaguchi, also known as Susumu Yamaguti. Df-39-961-E-1, F-39-4124-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Hayakawa and Susumu Yamaguchi, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kiyoshi Hayakawa by The Yokohama Specie Bank, Ltd., San Francisco Office, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a blocked account, account number F/D 90735, entitled Kiyoshi Hayakawa, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyoshi Hayakawa, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Susumu Yamaguchi, also known as Susumu Yamaguti, by The Yokohama Specie Bank, Ltd., San Francisco Office, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a blocked account entitled Susumu Yamaguchi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Susumu Yamaguchi, also known as Susumu Yamaguti, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1. hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6083; Filed, July 25, 1949;  
8:48 a. m.]

[Vesting Order 13557]

MANNHEIMER VERSICHERUNGSGESELLSCHAFT

In re: Bonds owned by Mannheimer Versicherungsgesellschaft. F-28-6160-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mannheimer Versicherungsgesellschaft, the last known address of which is Meckesheim/Baden, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Mannheim, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, of the Hudson & Manhattan Railroad Company, 30 Church Street, New York, New York, evidenced by three (3) Hudson & Manhattan Railroad Company, first and refunding 5% Gold Bearer Bonds, Series A of \$1,000 face value each, bearing the numbers 1118, 1119 and 1120, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds,



is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mannheimer Versicherungsgesellschaft, the aforesaid national of a designated enemy country. (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6084; Filed, July 25, 1949;  
8:48 a. m.]

[Vesting Order 13569]

A. E. CRANE AND JOSEPHINE CRANE

In re: Stock owned by A. E. Crane and Josephine Crane. F-29-172-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. E. Crane and Josephine Crane, each of whose last known address is Osaka, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: One hundred (100) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered Y 103907, registered in the name of Hurley & Company, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington D. C., on July 18, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6087; Filed, July 25, 1949;  
8:48 a. m.]

[Return Order 370]

SOCIETE ALLIAGES AUTOPROTEGES

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Societe Alliances Autoproteges, Paris, France, Claim No. 13336, June 9, 1949 (14 F. R. 3148); Property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to United States Letters Patent No. 2,288,513, and property described in Vesting Order No. 721 (8 F. R. 2164, February 18, 1943) relating to United States Patent Application Serial No. 334,986 (now United States Letters Patent No. 2,310,214), and United States Patent Application Serial No. 272,992 (now United States Letters Patent No. 2,288,513). This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6088; Filed, July 25, 1949;  
8:48 a. m.]

[Return Order 373]

A. W. Sijthoff's Uitgeversmaatschappij N. V.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

A. W. Sijthoff's Uitgeversmaatschappij N. V., Doezastraat 1, Leiden, The Netherlands; Claim No. 6940; June 11, 1949 (14 F. R. 3192); Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4034 (9 F. R. 13781, November 17, 1944) relating to the literary work "A Short History of Music" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of \$113.33.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6089; Filed, July 25, 1949;  
8:49 a. m.]

[Return Order 382]

TONY ZENKER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Tony Zenker, Bucharest, Roumania; Claim No. 7228; June 14, 1949 (14 F. R. 3218); \$1,505.14 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Tony Zenker in and to the Estate of Jack L. Zenker, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-6090; Filed, July 25, 1949;  
8:49 a. m.]